FROM AL-ANDALUS TO KHURASAN

ISLAMIC HISTORY AND CIVILIZATION

STUDIES AND TEXTS

EDITED BY

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AND

ROTRAUD WIELANDT

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FROM AL-ANDALUS TO KHURASAN

Documents from the Medieval Muslim World

EDITED BY

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The articles in this volume are based on papers given at the second International Society for Arabic Papyrology (ISAP) conference in Granada. The second ISAP conference was born of the happy intersection of ISAP's aims with those of the Granadan Arabic document project. "Documentary Evidence and the History of the Early Islamic Mediterranean" (23–27 March 2004) sought to promote familiarity with the rich collections of Arabic documents preserved in the Iberian Peninsula and to highlight the mixed, dynamically cross-cultural nature of the societies that produced them. We would like to thank all those who participated in the conference and made it the success it was.

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NOTES ON REFERENCES, DATES AND EDITIONS

References

Citations of contemporary works follow the form author (year of publication). Medieval authors are cited by their name in minimal form followed by their death date and an (abbreviated) form of the title of the work. Full information on the editions used can be found in the bibliography following each article.

Dates

If not otherwise specified, dates given in this volume are C.E. dates. However, if a double date is given (e.g. 99/717), the first is the Muslim *hijrī* date (A.H.) and the second is C.E.

Editions

In the edition of texts the following bracket system has been employed:

[ ] Single square brackets indicate sections where the text is obliterated or missing owing to a lacuna in the papyrus. Where it is possible to calculate the number of letters missing these are indicated by the appropriate number of dots or written in Arabic numerals within the brackets. Dots outside square brackets indicate that the extant letters cannot be deciphered.

[[ ]] Double square brackets enclosure erasures

( ) Round brackets indicate the solution of abbreviations. In the translation they indicate additions provided by the editor.

< > Angular brackets enclosure words or phrases which the writer omitted by mistake and are supplied by the editor as a correction.

{ } Curly brackets enclose words or phrases which were written by mistake and should be omitted in reading the passage, e.g. dittographies.

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INTRODUCTION

Eduardo Manzano Moreno

The past is a landscape of darkness. As human experience is devoured by the black hole of time, its echoes dwindle into those small fragments of memory that we usually call "historical evidence." Such fragments shed some light into the night of oblivion but, as any historian knows, this light can be bright or pale, dazzling or reflective, depending on what the sources tell us and what we can make out of them. At best, evidence adds up to discrete pieces of information that can be related to each other, allowing us to draw some illuminating although partial historical interpretations. But in other cases, the picture is rather gloomier, as if confirming the assertion of that ancient Greek poet's verse which regarded human beings as mere dreams of shadows. These are the periods in which historical evidence is no more than a conglomerate of sundry textual and material remains, which defy simple explanations and even prevent certain sets of historical questions. The historian's task becomes then an endeavour which is not very different from weaving: threads have to be followed, tracked as far as possible and finally linked within a comprehensive fabric that sometimes, though, may have too many holes in it.

Islamic history unfortunately has plenty of such difficult periods. Too often the historian who is engaged in elucidating them has at his disposal only a disparate bunch of narratives on political or military events, which provide a wide range of names, anecdotes, rebellions or battles taking place in an opaque context of poorly understood social and economic circumstances. These narratives are not only intentional, and therefore biased, but also the product of a long process of memory-shaping and reshuffling which we do not always wholly understand. How to use such murky lamps for attaining knowledge of complex societies extending across broad territories has been the subject of a good number of historiographical controversies, which have confronted positions ranging from the sceptical attitude towards what are labelled as "inconsistent" or "useless" bites of evidence, to more positive approaches which consider that a critical acceptance of these medieval Islamic sources may lead to sound, or at least coherent, historical interpretations. Both opinions

share, though, the idea that the nature of our evidence is somewhat fragile, that we depend too much on a limited number of narrative accounts and that description supersedes explanation on more occasions than it would be desirable in the history of medieval Muslim societies.

All this explains why the contributions gathered in this volume are so important and relevant. They focus on an exceptional sort of evidence: documents from the Islamic Middle Ages, written records witnessing a given action, transaction or exaction which was valued as worth being noted down by those involved in it with the aim of preserving its recollection and effects in the future. The relative scarcity of these documents for the medieval Muslim world make of them precious primary sources, particularly valued because of their radical contemporaneity to the people who took part in their formulation. This feature gives them a flavour of immediacy that would be impossible to find in historical narratives, most of which were composed many years or even centuries after the events they attempted to describe. This confers on these documents the quality of scattered and unexpected shinings, sudden beams, which cast light on concrete spots, on concrete characters or on concrete circumstances which can be apprehended as frozen and fragmented scenes apparently recognisable against a misty background full of uncertainties.

Many documents presented and analysed in this volume are unedited and see the light of publication for the first time. They have very different chronological and geographical origins, but all of them share in common their capacity to reflect those social and economic dealings which the accounts of the chroniclers usually overlook, or which the speculative nature of Muslim juridical works makes it difficult to assess. Many people die in the narratives of the historical sources, whereas treatises of law never fail to include solid chapters on partitions of legacies. However, it is not until we examine a specific will bequeathed by a testator that we begin to understand what economic implications this act had, how it was carried out and how it contributed to reproducing the existing social order. Taxes and, more generally, the control of resources, were the main reasons behind many struggles for power which are described by the dozens in the available chronicles, but it is impossible to grasp how fiscal exaction was organized or what were its effects upon the daily lives of the tax-payers unless we read the documents produced by the efficient tax-raising machine which medieval Islamic states always managed to set up in one way or another. As sudden bites of written reality, documents reveal a short-lived instant of life, but this

is an instant which gathers some of the relations, tensions and contradictions prevalent in the social milieu that produced them.

It is not only the valuable new evidence which the different contributions offer to specialists, that makes this volume significant. Once the reader has finished reviewing its fascinating and novel contents, there is no doubt that he or she will find him or herself asking the nagging question that underlies many of its pages: why have medieval Islamic societies left such a relatively small quantity of documentary evidence, particularly if we compare them with their western counterparts? Medieval Christian documents have come down to us because there was a certain availability of writing materials, because there were an increasing number of people with enough skills as to allow them to compose and decipher such documents, because these documents were preserved in safe locations and were deemed important by those who held them and, finally, because the social milieu had an appreciation for their contents which justified their safeguarding throughout countless spring cleanings, removals or deteriorations caused by natural elements. Were Muslim societies so different that these factors were absent or widely ignored in them?

The question is critical. It is a commonplace to describe Islamic culture as dominated by orality. The whole framework of the transmission of knowledge is even portrayed as based on personal contacts, as illustrated by the spread of Prophetic traditions through chains of successive transmitters. Early Muslim dogma was shaped by the contents of the Revelation gathered in the written verses of the Qurʾān, but also by the dense network of masters and students who expanded the *sunna* of the Prophet talking to each other. Even important early written works were not 'published' in the modern sense of the word, but rather went through a number of different recensions, which were the product of different transmissions in a variety of places. Texts certainly existed and circulated, but it is commonly agreed that the Islamic theory of knowledge stressed the spoken more than the written word—which was reserved for the Book containing the Revelation—as the rhetoric means which created the basic consensus among the Community of Believers.

The supposed prevalence of orality in Muslim societies also finds support in the importance given by Islamic law to witnesses and oaths in the resolution of disputes. Legal Muslim practice seems to have been more inclined to accept this kind of testimonies than written records when proof was needed in trial before the *qāḍī*s. Again, the idea is that although documents may have existed, they played a subsidiary role

which never matched the oral hearings and the depositions taken from reputable men under oath. If such was the prevailing mood in the legal arena—the argument goes—it is then small wonder that in medieval Muslim societies documentary evidence never reached the prominent character it acquired in the West, at least until a relatively late date.

For the advocates of this notion, it is apparently easy to link the pervasiveness of oral culture with the original tribal milieu within which Islam was born. The idea is that in such surroundings, social dealings had an 'informal' character which prevented the emergence of more 'official' formal interactions. Ties of kinship bound people more than dozens of clauses inscribed on legal documents, whereas observance of the unwritten rules which made up the tribal codes of honour meant stronger compromises than any penalty sanctioned by the pre-emptive sections of written agreements. Quite naturally, Islam absorbed these existing features of Arab tribal society and integrated them into a social and political culture, which certainly had solid textual references, but nevertheless was keen to articulate itself on the basis of informal bonds, which did not require the endorsement of documentary provisos.

The contributions collected in this volume add a whole array of new evidence, which compels one to revise—or at least to look at them from a different perspective—these notions. All of them show that from a very early date Arab society relied heavily on documents not only as means to present and represent itself, but also as instruments of social control. The organization of the fiscal system, the appointment and removal of governors or the transfer of armies from one territory to another were regular events mentioned in narrative sources which would have been impossible to carry out without the writing and forwarding of countless documents carrying orders from one place to another. Take, for instance, the two papyri presented by Petra M. Sijpesteijn in her work: one of them dates from the second/eighth century, whereas the other is dated in the next century. But the contents of both of them display a similar familiarity with the written record as an instrument of communication among tax and legal officials of the administration: people who exchanged views on particular problems because they could write and read, were engaged with documents on a daily basis and belonged to a sophisticated state machinery which could only be run on the basis of a careful upkeep of countless records.

Documents were part of everyday life in places like Egypt. One needed them just to survive in a land tightly dominated by the administration, as shown by the very early papyri gathered by Anne Boud'hors in her

contribution. The obsession of that administration was to develop effective means to control the comings and goings of a population whose exact location had to be always assessed in order to prevent that nightmare of caliphal officials called “fiscal evasion.” Passports, communications among officials or censuses were written down as effective means to impose strict control upon the population, which was effectively listed with the careful annotation of the amounts due by each subject, as the paper document from tenth century Fayyūm edited by Sofía Torallas clearly demonstrates. A good indicator of the machinery’ efficiency is the number of complaints that arose from ecclesiastical writers living under Muslim rule and in this connection testimonies like that of the Ps.-Sawīrus b. al-Muqaffaʿ in the *History of the Patriarchs of Alexandria* are particularly interesting, because many circumstances described in this work can effectively be connected to actual evidence from existing papyri, as Frank R. Trombley clearly demonstrates in his contribution.

That the early Arab empire depended heavily on documents for its administration is further confirmed by the fascinating evidence coming from second/eighth century Abbasid Khurasan examined by Geoffrey Khan. The Egyptian papyri can no longer be regarded as exceptional items from an exceptional province, as these new findings demonstrate that in the lands of modern-day Afghanistan tax officials under the authority of the local governor issued quittances for the receipt of taxes or conducted cadastral surveys which were written down on parchment. The fact that these documents show some formulaic elements which are similar to those present in their Egyptian counterparts again points to a tendency towards administrative uniformity that can only be explained as a factor of consolidation of an empire in which a well-established bureaucratic practice reached all its corners. This practice was in the hands of officials, who probably got successive appointments in different provinces thus contributing to spread sets of common procedures. One of these procedures concerned the authentication of documents—indirectly demonstrating that written forgeries were a problem—as shown by the *bullae* attached to the Khurasan documents which were stamped with clay seals. On the other end of the territories affected by the Arab expansion, al-Andalus’ governors first issued lead seals which were used to confirm their orders in the aftermath of the conquest (92/711).

It remains, however, to be explained how the Arab conquerors managed to set up such a sophisticated administrative system so soon after their expansion. The most common explanation portrays them as the tribal rulers of a huge empire who profited from pre-existing structures

which they adapted to their own demands. In her contribution, Gladys Frantz-Murphy points in this direction when she stresses the collaboration of the Coptic church in the running of the fiscal administration in Egypt in the years following the conquest. A more centralized system was implemented in the late Umayyad period, when the Muslim elite attached to the dynasty took control of the province and its resources. Finally, the coming of the Abbasids was signalled by the appointment of Persian officials who introduced new sets of practices which culminated a process of increasing centralization. This revealing interpretation shows how an important province like Egypt was integrated into the empire of the Arabs. What is interesting is that the conquerors were never entangled in the administrative machinery which controlled the lands they were ruling; instead, they were capable of imposing their language and their practices over a vast empire made up of territories with very different traditions. For a people who were supposedly unfamiliar with the intricacies of state-government this was not a small achievement by any means and perhaps it should be better explained than it has been until now.

One way of tackling this question is by following the approach that Robert Hoyland presents in his contribution investigating the emergence of a distinctive Arab identity among the different peoples of the Near East at least two hundred years before the coming of Islam. Drawing mainly on epigraphic evidence, Hoyland demonstrates an increasing sense of belonging to well-defined Arab groups at least from the third or fourth century C.E., to the point of suggesting that these groups may have had a clear consciousness of sharing a common language, script, history and literary tradition. This identity grew in tandem with the intensification of contacts with the neighbouring empires, particularly the Roman, which fostered formal alliances with groups increasingly aware not only of their importance for the military strategy of the emperors, but also of their distinctive character vis-à-vis other groups which were not so highly regarded or rewarded by imperial officials. According to this view, the eruption of Islam and, particularly, the military expansion which followed should be considered as hallmarks—obviously of paramount importance—in a process of ethnogenesis which was already in progress and which paved the way for the definition and articulation of the empire which emerged after the conquests. It remains to be seen, however, how these identities were knitted together and to what extent written culture, which would articulate the administration of the empire after the Arab conquests, played a role on it. If we could confirm that

such was the case, the recurrent idea of the lack of familiarity of the Arabs with the written document would have to be radically revised.

But if there is growing evidence which shows that the early Arab empire depended heavily on documents and that written culture was not so alien to the conquerors as has been widely believed, why is it that we have comparatively fewer documents from Umayyad Syria than from, say, Merovingian or Carolingian France? What has prevented the survival of the Islamic equivalents to *cartulae* or *capitularia*? How do we explain the disappearance of the thousands of records which were necessary to regulate the complex administration of such huge territories? Where have they ended up, the contracts, obligations and agreements that supposedly were written down?

One possible—and, arguably, too easy—explanation for their scarcity would be to suggest that the political turmoil which throughout history has affected the lands of the Near East and North Africa had devastating consequences for the written memories of these societies. No territory was free of rebellions, wars, dynastic changes or foreign invasions and these events always went together with serious disruptions and destruction. There is nothing more vulnerable than records, because once their order and logic established through conservation are thrown into disarray, their single components becomes useless and, therefore, disposable. The takeover of a city, the occupation of a palace, or the sudden arrival of new administrators into bureaucratic workrooms probably entailed on many occasions a general destruction of documents. Sometimes this destruction may have been consciously carried out by the new rulers or by followers with a vested interest in breaking with the past, but in other cases new administrative practices or contempt for the old rule were perhaps responsible for the neglect and final elimination of previously highly valued records.

As plausible and coherent as it may seem, though, it is obvious that this interpretation does not offer an adequate explanation for the lack of a consistent documentary record from medieval Islamic societies. It implies that political or military havoc always resulted in administrative breakdown, an overall assumption that simply cannot be generalized. Continuity and rupture in Islamic medieval politics is a broad and appealing topic that perhaps deserves more attention than has hitherto received; but nevertheless one is inclined to believe that the most common practice of new regimes or dynasties was the incorporation within their ranks of existing bureaucratic personnel as the setting up of a reshuffled administration was a difficult and costly endeavour. The

history of medieval Islamic societies may have been complex and eventful, but this does not necessarily mean that the documentary record was irreversibly affected by its action-packed episodes.

Therefore, if there is a comprehensive explanation for the relative lack of documents from medieval Islamic societies the answer must lay elsewhere. In this connection, perhaps the relevant question is not so much why the historical legacy of western Europe is plenty of documents, but rather where this legacy has been preserved until the present day. This is certainly a more illuminating perspective: although we do not have all the documents which were written down in the western Middle Ages—just a fraction of them—the important thing is that such fragile evidence has survived during hundreds of years in long-lasting, old and venerable *institutions* which have reached the contemporary world with a considerable part of their documents conveniently stored and even classified. It is very important to bear this in mind, because sometimes historians tend to think that historical evidence has been preserved just in order to satisfy their needs. This has hardly been the case, at least until relatively recent times. Documents were accumulated, filed and looked after throughout the centuries because their contents were considered useful by certain institutions which claimed to have deep historical roots and were ready to use such roots as proof of their legitimacy.

That was, for instance, the case of the Church, which is the main provider of documents during the early medieval centuries and arguably the biggest repository of written records in western Europe. When monasteries, abbeys or bishoprics became extensive and durable landholders, documents which allowed them to substantiate these claims had to be safeguarded and eventually produced as a safeguard against future disputes. As the bishops gathered at a council in Visigothic Spain in 633 had acutely declared, the Church was considered as "a proprietress that will never die" a proclamation that implied a consciousness of eternal dominion that scribes working in numerous *scriptoria* across Europe were ready to corroborate. The documents they wrote and which bore witness to economic and social dealings like land transactions, payments of peasants' dues or pious donations helped to build the historical record of ecclesiastical institutions with a clear consciousness of their perpetuity and with a formidable readiness to build their own and undisputed memory.

Other medieval lay institutions in the West followed identical procedures, although at a later date: royal chancelleries, parliaments, courts of law, town councils, guilds, etc. built up their distinctive identities and

legitimacies on the basis of a strong self-definition, which defied the boundaries of time by producing and collecting documents which were considered to be links of a continuous chain bearing a recognisable past but also a vocation to last into the future. By the end of the Middle Ages, this sense of continuity was so widespread that even noble families began to keep their own archives. As a result of this a widespread model emerged which was based on the idea that to maintain current social and economic privileges it was necessary to preserve the written historical memory provided by documents. As in most cases this pre-eminence reached the modern era largely intact, so did the documents which justified it, thus allowing professional historians to make a living thanks to the hundreds and thousands of documents that these ecclesiastical or lay institutions had been producing and storing for centuries.

In sharp contrast with these situations, medieval Islamic societies did not foster institutions of this kind. The rejection of Islamic law of the creation of privileged spheres within the Community of Believers was one of the factors which prevented the emergence of social, economic and political organizations with their own distinctive rules and regulations. It is a commonplace to state that in Islam, contrary to what happened in Christendom, there was no centralized institution comparable to the Church. But this lack was not unique and it affected other social realms. Thus, Islamic cities did not develop bodies of government like the councils or the municipal authorities which mushroomed everywhere in medieval Europe; Islamic states did not hierarchise territories in the way that counties, ducates or margravates did in the Western landscapes; Muslim artisans or traders did not create such strong organizations as were the urban guilds of the Western late Medieval Ages. If there is a clear trait that distinguishes East and West in the Middle Ages, it is the very formal aspect that European institutions acquired in this period and which was missing in their Eastern counterparts. This does not mean, obviously, that there were not Islamic institutions: cities were certainly governed and organized, states administered their territories efficiently and urban classes were a factor to be reckoned with in the day-to-day running of urban communities. But the important thing is that these associations, bodies of government and political organizations never had the kind of formalised corporate existence found in their European equivalents. Whereas these achieved a degree of consolidation, formalization and self-consciousness, which helped to mould the complex political situations of modernity, the Islamic institutions took a more imprecise profile, a less clear definition and a matter-of-factness

which, curiously, resulted in a very informal configuration. This difference also marked distinctive perceptions of history. Western European institutions generated documents because they were essential parts of their *raison d'être*. As fundamental pieces for the creation of an historical memory of the institution, these documents proclaimed that the preservation of the past could provide useful arguments for the articulation of the present. This does not seem to have been the case in Islamic societies, where history never played such an important role as other arguments of legitimacy, like divine sanction or moral standing did.

Therefore, if Islamic societies did not fare very well in the conservation of records, this was not due in my opinion to the persistence of ancient tribal hang-ups or to the prevalence of a culture based on orality or to a consicous neglect of useless instruments. Written records disappeared *en masse* because they could not find their way to the appropriate repositories: institutions with a vested interest in preserving the memory enclosed in them. This has entailed that the shreds of documentary evidence which have come down to us are more the result of stray finds or lucky unearthing than of their patient collection and keeping throughout the centuries in specific places which have survived more or less intact up to the present day.

In this connection the case of al-Andalus is extremely significant. The documentary record of this western Islamic society is practically non-existent: we simply lack Umayyad, Taifa, Almoravid or Almohad documents, in sharp contrast with the evidence coming from northern Christian kingdoms which consists of thousands of written deeds eagerly kept in ecclesiastical institutions at least from the ninth century onwards and which gradually increased in the central Middle Ages, as lay and royal institutions consolidated. Were the Andalusis less familiar with the written record than their northern neighbours? It is hard to believe so. Notarial culture in tenth century Cordoba and other cities was extremely sophisticated as shown by the thick compilations of legal formulae that have come down to us, and judging from the number of literary, legal and religious works that have survived it seems unquestionable that literacy was much more widespread in the urban and economically flourishing south than in the rural and impoverished north.

Therefore, al-Andalus provides a good example of documentary mass extinction which perhaps was partly caused by political turmoil, internal wars, invasions and *reconquistas*, but which had a deeper reason in the absence of consolidated institutions reclaiming their privileges in the past and which would have gathered and systematized the bulk of documents

produced by Andalusi society. This is why the contributions gathered in this volume and dealing with this territory are so illuminating. When the Naṣrid kingdom of Granada was conquered, the new Christian lords became very interested in a number of issues like certain rights of property, allocations of water resources or land-divisions. This resulted from a genuine concern for some parts of the documentary legacy of the defeated kingdom, which was partially examined, translated and preserved, as Camilo Álvarez de Morales, Amalia Zomeño and Francisco Vidal Castro show in their respective contributions. The documents presented by these scholars bear witness to a fascinating cross-cultural move, and show how Christian institutions—churches, town councils or the royal chancellery—were eager to preserve them, despite the fact that they referred to a past that was increasingly alien to the curators of these records—as it is clearly shown in Emilio Molina López and María del Carmen Jiménez's contribution. Exactly the same thing had happened in Sicily more than three centuries before: the decision by Roger II (r. 1130–54) to admit Arabic along with Latin and Greek in his *comital diplomata*, allowed for the composition of documents which were preserved in regional or church archives where Alex Metcalfe has been busy working on them in order to produce a compelling contribution examining how Arabic texts were translated into Latin and what the effects were of such translations.

All in all, the fresh evidence gathered in this volume also points to new lines of research waiting to be followed in the future and whose extreme importance is only proportional to the neglect that scholarship has bestowed upon them. One of these issues is, for instance, the spread of literacy in Islamic medieval societies, as the extension of the written record as a means to articulate social dealings has always been a powerful motive for acquiring reading and writing skills. This general question indirectly addresses the particular problem of who made use of documents in these societies: there is no doubt that states generated a considerable amount of records in their normal administrative practice, as taxes had to be collected, soldiers had to be paid and officials had to communicate among themselves. It remains to be seen, though, whether most of these societies used written instruments in their social relations or rather whether these were restricted to dominant groups; early papyri like the one edited here by Alia Hanafi seem to suggest that at least in places like Egypt, written documents were commonly used by many parts of the population. In this connection, another crucial issue is the legal dimension and value of documents in Islamic law and

the existence of legal archives, a problem which still has not been the subject of comprehensive and diachronic studies.

Social history badly needs documents. Narratives like those that swamp Arab historical chronicles are not the best tools to understand the deep trends that shape the evolution of societies; at best, such narratives can only reflect certain symptoms, but it is difficult to identify in them the actors and actions bred in the social bone. In contrast, documents concentrate on specific acts whose leading participants are usually well defined. The problem, though, is that social dynamics can only be grasped in the repetition of certain patterns of collective behaviour. In order to register such reiterations we need series of documents referring to different circumstances but pointing to occurrences of similar social trends.

For the reasons already discussed, we lack this sort of documentary series in Islamic medieval societies. Our best documents are isolated fragments of a whole that probably existed in the past, but that now is lost forever. Any historical interpretation drawn from this piecemeal evidence should bear in mind its sketchy character and its possible correlation with an original ensemble that we no longer have. However, this should not prevent historians from using these documents as valid sources for the study of the past. As the bulk of published documents continues to increase, we are able to get a better understanding of how, why and even when they were composed. This will never replace the amount of evidence that has been irremediably lost, but nevertheless it will help to provide a better sense of what the intentions of the social actors were who wrote down those precious texts on papyrus, parchment or paper that have defied the passing of time and have reached the present day. In the pages that follow, the reader will find that these intentions are sometimes clearly apprehensible.

AL-ANDALUS

ROMANCED DOCUMENTS, BILINGUAL DOCUMENTS AND BOOKS OF *HABICES*[1]

Camilo Álvarez de Morales

In this paper, I will present the documents written in Castilian (Spanish), but whose contents refer to matters related to the Naṣrid kingdom of Granada, as well as other documents with bilingual texts. In the case of the Romanced documents, they were translated from a previous source written in Arabic, while the *habices* (*aḥbās*) were written directly in Castilian from an oral source, which was also Arabic. The bilingual texts are true to their name, with dual texts in Arabic and Castilian.

The existence of these documents is a clear proof of the fact that the arrival in Granada of the Catholic Monarchs did not mean a complete break from Muslim tradition in the city. Christian Granada continued to enjoy its Naṣrid inheritance for a considerable length of time. Apart from the tangible evidence of its inheritance represented by its historical monuments and palaces, crowned by the emblematic Alhambra, the stamp of Muslim culture could also be seen in their handicrafts, in the fields with their highly perfected watering system, in the water tanks and systems of the cities, and in their clothing, as well as in many other less visible aspects, such as their language, food and some of their customs.[2]

Similarly, several institutions rooted in the Naṣrid economy were maintained, and among them was the income from the *habices* and from the *farda* taxes, the latter being related precisely to the bilingual documents.

Romanced documents

When the Christians settled in the city and in the lands which previously formed the Naṣrid kingdom of Granada, there started a process whereby

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[1] This paper is part of the activities of the research project 'Estudios sobre la Granada nazarí a través de las fuentes documentales,' financed by the Ministerio de Ciencia y Tecnología of Spain.

[2] Álvarez de Morales & Jiménez Alarcón 2001.

one of the most important steps taken by the new authorities, and by the Muslims who still resided there, was the identification of the property, especially real estate. In some cases it was required that the former owners establish the legality of their ownership. In others, the purchase by the Castilians from the Mudejars (later Moriscos) demanded, likewise, that the seller justified by means of a written document that he was the owner of the land or the house that was for sale. On other occasions the process dealt with the water used for the irrigation. The ownership of the water rights also had to be declared, since not only the use of water, but also its title deeds could be negotiated, as the latter could also be sold. All in all, it meant a process of transfer of hereditary estate and property rights of Muslims and Christians.

It was very useful to the Christians to understand the traditional Naṣrid model of irrigation methods and the use of water, since this was considered better than theirs and therefore was worth maintaining. This was something which particularly interested the Crown of Castile from the outset, given the utmost importance of water for supplying both urban and rural needs, and with the consequent important impact of agriculture on the economy of Granada. The Catholic Monarchs realized the importance of the system and wanted to maintain it in order to guarantee the continued efficiency proved over many centuries. Apart from making special mention of this in the text of the *Capitulaciones* established with Boabdil, the fact that the water court was created in 1501[3] is proof of their interest, later continued by their grandson, Charles V, in the byelaws of 1538.[4] These were focused on the city and on the use and maintenance of the irrigation channels and water tanks, especially those existing in the Albaicín quarter, but also on the use of the water taken from the rivers for irrigation purposes.[5] All of this allowed the survival of the Naṣrid legacy into sixteenth century Granada.

The Castilians' lack of knowledge of the Arabic language, as well as the need for the new administration to gather all of that documentation, required the documents written in the Naṣrid period to be translated into Castilian (*romancearse*) so that they might be understood. For

[3] Kept in the Granada Municipal Archives, file 4659, p. 6. For specific studies, consult Diego Velasco 1984, Osorio Pérez 1991: 102–3.

[4] Otero & Compañía (eds.) 1865.

[5] The issue of water rights and irrigation systems in this period has produced a good number of studies. The classical work is Garrido Atienza 1902: 12, 26, esp. 62, dealing especially with the water court and byelaws. More recent studies are: Orihuela Uzal & Vílchez Vílchez 1991, Barrios Aguilera 1992. For the legal aspects, see Vidal Castro 1995, Trillo Sanjosé 2002–03, Trillo Sanjosé 2003.

this purpose, a corps of officially nominated *romanceadores* was created, formally belonging to the Castilian institutions and even to the crown itself. The name of each of them was mentioned in the documents they translated. They are usually referred to as *romançador*, meaning the person who transcribes a text into Romance language, or as a *trujamán*, translator, using in this case an Arabic word. They were usually Moriscos, because of their knowledge of the language, and they were proud of such a title and made social use of it. This was the case of Alonso del Castillo (d. 1610),[6] the well-known Morisco from Granada who enjoyed official recognition by Philip II (r. 1527–98) , and who was later involved in the affair of the leaden books from Sacromonte,[7] and who referred to himself as physician and *romançador* every time he appeared in a document.

The names of other translators who appear in the documents are Bernardino Xarafí, Ambrosio Xarafí, Alonso de Mora, Alonso Hernández de Mora, Hernando de Sosa, Diego Trestan and Miguel Pedrosa, who belonged to the first generation of 'romancers,' shortly thereafter followed by Alonso del Castillo, previously mentioned, and Juan Rodríguez. All of these translators worked between 1498 and 1527.[8]

The translations were quite consistent with the original Arabic texts, with respect to both substance and form, and the personality of each *romançador* was noticeable in his translation. Except for the fact, maybe, that there was a certain imprecision in converting Islamic and Christian dates, and, what seems more logical, in the transcription of Arabic proper names, places or months, the translators were very precise in their jobs. The *basmala* was respected, the names of the Muslim months were transcribed, and of course, the names of all those who took part, as well as the places cited. In some of these cases, for example in the translation of the *basmala*, and in the formulae accompanying the name of a city ("May God protect and honour it…") or in the way specific

[6] Among the numerous studies on this central figure, the most complete is Cabanelas Rodríguez 1965.

[7] Research into this strange matter of the leaden books, which fascinated Granadan society, the Crown and the Church, has recently increased and been updated thanks to the fifteen papers written by different specialists, edited by M. García-Arenal in *Al-Qantara* 23 2002: 343–543 and 24 2003: 295–573, under the title "En torno a los Plomos del Sacromonte." These studies and several others were also published together in Barrios Aguilera & García Arenal 2006.

[8] About these translators, see Molina López & Jiménez Mata 2004. See also a review of the scholarship in Feria García & Arias Torres 2005.

geographical points are referred to ("east wind," "easterly," "north wind"), the personal translation of each *romançador* could be detected, as each one used his own terminology, basically the same in all cases, with individual nuances.[9]

At the end of each document the name of the *qāḍī* (judge) was written, using the phrase "it is enough," sometimes accompanied by the term "fulfilled," usually included if there existed any later ratification or proceedings. Thus, only the language was changed, whereas the content was the same, which followed the line of the romanced documents.[10]

Each document was accompanied by another one attached to it, written directly in Castilian and specifying who had translated it, who submitted the romanced document and its purpose.

The value of the romanced documents is considerable. If they appear together with the original in Arabic, as occasionally happens, this allows a better reading of the original, and in all cases, apart from giving specific information about the registered deed, they provide data about persons who had functions in the Naṣrid jurisprudence (*ʿulamāʾ*, *qāḍī*s, *muftī*s) and provide a range of varied information on onomastics, toponymy and economy. Regarding the latter aspect, the romanced documents allow us to establish the equivalence between the Naṣrid and Castilian coins. Therefore we know that one silver *dirham* in common use (*almoeted*) was equivalent to one *pesante* and to one *metical*; one silver *dirham* was equal to one *dinero* and equal to one silver Castilian *real*; at the same time, one silver *real* was equal to 34 *maravedis*; one gold *dīnār* was worth 7,5 silver *dīnār*s and 75 *dineros*; one gold *dobla zayén* was equal to two gold *dīnār*s, to fifteen *pesantes*, to fifteen silver *dīnār*s, to 150 *dineros* and to 450 *maravedis*. In the documents, the most frequently used coin was the silver *dīnār*.[11]

[9] Cf. Feria García & Arias Torres 2005: 169–74.

[10] The fact that these documents are written in Spanish has allowed access to them for non-Arabists, specialists in both medieval and modern history. In particular, it has been the specialists in medieval history, either with or without the help of Arabists, who made the best use of these documents. See Peinado Santaella 1993, 1996–7, Espinar Moreno 1993, 1996–7, 1997, Espinar Moreno & Quesada 1993, Trillo Sanjosé 1992, 1995, Malpica Cuello 1992, 1995, Martín Quitantes 2001, Osorio Pérez & Peinado Santaella 2002. Among the *romanceado* versions transcribed by Arabists, see González Palencia 1940, Osorio Pérez & Santiago 1986, Santiago 1987, Jiménez Alarcón & Álvarez de Morales 1996–7, Álvarez de Morales & Jiménez Alarcón 2001.

[11] For different aspects of Naṣrid economy and data about the types and equivalences of money, see Rodriguez Lorente 1983, Vallvé 1984. See also Molina López & Jiménez Mata 2004: 41–2. Both authors, in collaboration with J. Aguirre Sádaba, are preparing a comprehensive study on the economy of the Naṣrid kingdom of Granada, within the research project already mentioned (cf. n. 1).

Finally, with respect to the romanced documents, it should be mentioned that there are historical documents in the municipal archives housed in the Colegio de San Bartolomé y Santiago, in the archives of the Royal Chancellery of La Zubia, in the municipal archives of Baza, and outside the city and province of Granada in the general archives of Simancas. A considerable part of the collections of documents is generally kept in the convents and churches which correspond to former mosques. This means that the information contained in them might be related to a specific urban or rural area which belonged to the jurisdiction of the mosque.

Bilingual documents

The Arabic-Castilian bilingual texts refer to very short texts containing receipts and payments of real estate and poll taxes. In sixteenth century Granada, the word *farda* was generally used with the meaning of an indirect tax or duty, derived from the Arabic stem *f.r.ḍ.*, meaning "to impose" or "to prescribe." This was the designated name given to the well-known tax which only the Moriscos were obliged to pay. However, some Morisco families, the ones 'collaborating' with the Christians and therefore well established in the new Christian society, not only paid them, but also collected the taxes, and could even hold the title of tax collector.

In general terms, the *farda* has been grouped in two large sections, according to the purpose of the money collected: the greater *farda*, which included payments for the Spanish troops, money for the construction of Charles V's palace in the Alhambra, and other special needs of the crown, and the lesser *farda*, also called "of the sea," which covered expenses related to coastal defence.[12] All of these payments were managed by the civil authorities and, apart from the purposes mentioned above, were aimed at compensating old Christians and Moriscos from the oligarchy, as previously mentioned.

Together with these taxes levied by the crown, the church, through its parishes, also received an income from the believers of the parish. The sums were fixed according to the economic situation of the tax payer. The money collected was used to maintain each of the parishes and also to help the members of the Church who might be in need.

[12] See Vincent 1985: 81–122.

The receipts mentioned above could refer to payments made by the Moriscos to the parish where they were registered,[13] or as proof of their real estate property.[14] In both cases, we have found them in the documentation related to lawsuits between different people. The tax payers justified their payment by means of receipts, which at the same time were used by the tax collectors to reclaim such payments.

The use of both languages, Arabic and Castilian, was justified because a large number of inhabitants of Granada only knew Arabic, whereas those who acted as judges in the lawsuits were Christians and they needed to know the content of the receipts, which therefore required a Castilian version. This is the same as had happened in the romanced documents.

The Maghribī writing used in these documents is much deteriorated syntactically and omits symbols. It uses dialectal forms and has many doubtfully transcribed romance words, particularly with reference to proper names, both anthroponyms and toponyms.

In these receipts, the name of the owner is always mentioned as well as the parish in which he was registered, the real estate for which he had to pay, and the amount involved. The Arabic version heads the receipt and the romance version is written underneath. The numbers used for the amounts of money and for the dates are *rūmī* numbers,[15] which would appear, in the first case, in the top margin of the receipt, and in the second case at the end of the Arabic text, usually after the word *ʿām*.

The monetary equivalences represented are: one *pesante* equals one *metical* or one silver *dīnār*; one *dinero* equals one *dirham*.

With regard to the format, we are usually dealing with small file cards, documents, sewn on some occasions into larger dossiers, probably used as documentary proof in a lawsuit.

The documents have an exceptional value as linguistic testimony, as they provide information about different aspects of the Arabic dialect of Granada. As in other cases, the toponymy and the records of property

[13] Four of these, kept in the archives of the Alhambra, are edited by Álvarez de Morales 1997–8.

[14] Twenty-two of these have been the subject of studies by Martínez Ruiz 1987 and 1991.

[15] On the origin, identification and data in general about these figures, see González Palencia 1930: IV, 48. See also Sánchez Pérez 1935, Labarta & Barceló 1988 and Martínez Ruiz 1991: 603–4.

and of parishes also provide additional information on Granada in the sixteenth century.

In Granada, the bilingual documents belong to the archives of the Alhambra. The *Libros de Farda*, which were written in Arabic and which contain the property subjected to this tax, are also preserved in these archives.[16]

Books of Habices[17]

Although it is already known, I would like to recall that *habices* refer to religious Islamic legacies, consisting of some properties whose rents were used as economic assistance for the maintenance of mosques,[18] hospitals,[19] *madrasa*s and charitable institutions generally assigned to help poor Muslims, and even to rescue prisoners.[20] Occasionally they even contributed to the cost of constructing walls. In some other cases the *habices* were not only a help for the necessities of society, but were also used to protect individuals against the possible manipulations by the state, which was officially supposed to defend public interests. This helps in our better understanding of the concept of 'public' in Granadan society.[21]

The *habices* include real estate properties of varied sorts, because they could be, in the city, shops, corn exchanges, storehouses, houses, baths, mills, kilns, paper factories, etc. In the rural areas they also concern all kinds of agricultural plots and, in some cases the whole village belongs to the *habices*.

Contrary to what happened in the East, where specific treatises were drafted on this type of property, further data related to al-Andalus is gathered from jurisprudence treatises, as in the case of al-Khushanī (d. 361/971), Ibn Rushd (d. 520/1126) or Ibn ʿIyāḍ (d. 575/1179). Other

[16] See Martínez Ruiz 1972: 110–11.

[17] General information related with these *habices* can be found in Espejo 1918–19, Villanueva Rico & Soria Ortega 1954, Villanueva Rico 1961, 1966, Vincent 1985. One of the most recent and best contributions to this subject is now García Sanjuán 2002.

[18] See García Sanjuán 2002: 89, where he specially mentions the financing of the Cordovan mosque in the ninth century.

[19] As far as the destination of these goods is concerned for assistance to the ill, see Franco Sánchez 1999.

[20] Espejo 1918–19: 97–9.

[21] See the remarks, as well as the comprehensive bibliographical summary, in Malpica Cuello 2004.

relevant sources are the notarial treatises, such as those of Ibn al-ʿAṭṭār (d. 399/1008), Ibn Mughīth (d. 459/1067) and al-Jazīrī (d. 585/1189), and lastly, and with far less data on the subject, the biographical dictionaries where reference is made to the use of these kind of properties. Finally, most of the data related to this kind of books can be found is the *Miʿyār* by Aḥmad al-Wansharīsī (d. 914/1508).

The religious legacies seem to have a definitely Islamic character and in the case of al-Andalus, it is not possible to see this institution as a continuation of any Visigoth pattern.[22] Charitable gifts and legacies were frequent in the whole kingdom of Granada.[23]

The *Libros de habices* were written in Granada after the Castilian conquest listing all the property belonging to the *aḥbās*; it concerned a big amount of lands in the kingdom. The Castilian crown was interested in obtaining information about them in order to reorganize a new distribution. Initially, the Catholic Monarchs maintained the religious character of such properties, and applied it to the Christian institution which was similar to the Muslim one, that is, the Church.[24] The geographical area which concerned them consisted mainly of the city of Granada, part of the surrounding villages situated in the Vega and the Lecrín Valley, and a large area of the Alpujarras. According to Bernard Vincent,[25] all of the property from the *habices* formed a whole, both the properties situated in the city of Granada and the ones located in the surroundings, some of them many kilometres from it. However, they also made terminological distinctions related to specific areas, like the rich valley close to the capital city, etc.

The case of the Almería province is relevant since it established a precedent for Granada. The city was seized from the Naṣrids in 1489, and the oldest parts were redistributed by the Catholic Monarchs who divided up the properties which had belonged to the mosques. This pattern was later followed in the rest of the kingdom.[26]

The need to draw up an inventory of all those properties, which were not always easy to locate, explained why the crown took a series of meas-

[22] See García Sanjuán 2002: 84.

[23] See Castillo Fernández & Muñoz Buendía 2000: 137.

[24] This is the case of the church of Santa María de la Alhambra, whose income came almost exclusively from the ancient rents from the '*habices*' from the mosques of Granada. See García Guzmán 1978–9.

[25] Vincent 1985: 86.

[26] See García Sanjuán 2002: 231. Many documents refer to this area, as in García Guzmán 1982, 1987, Garrido García 1989.

ures it order to facilitate the location of the plots with precision. This inventory was done by a series of commissions appointed by members of the Church, the royal authority and the law. They travelled through the different places and villages in order to make such an inventory.[27] The result was the *Libros de habices*. Due to their contents, and even to the procedure followed in making them, the books which refer to rural properties are very similar to the *Libros de apeo y repartimiento* ("Books of Survey and Distribution") which were compiled in the sixteenth century in the kingdom of Granada.

In some cases the process of describing the properties must have been slow and difficult. Apart from difficulties in locating the exact location of the plots, there was the language problem. Most of the former Muslim owners only spoke Arabic, and hence the presence of interpreters was always required, not only so that they would be understood by the people of the lands they visited, but also to understand the terminology concerning the properties. So these treatises are also relevant from a linguistic point of view.

In many cases, the original preparation was carried out orally, so the scribe wrote down in faulty transcription the words he heart, without bothering to make a full translation into Castilian, as in the case of proper names and specific Arabic terminology. An attempt to give a close phonetic transcription to sounds alien to the mother tongue of the scribe produced considerable uncertainty.

The books referring to the city of Granada provide information on toponymy, urban features (streets, squares, specific buildings), crafts and industries (mills, storage places of earthenware vats, plaster workshops, kilns), commercial life (shops, storehouses, or attic storehouses (*almacerías*) and also social-economic information in general. The books based on rural areas include information related to agriculture, irrigated or non-irrigated lands, garden products (vegetables, olive groves, mulberry trees and others), type of land ownership or partitioning of water, together with other information related to industry (mills, kilns). On few occasions is there any mention of housing.

Water was an essential element. There are details not only of the number of hours of irrigation which correspond to each estate, but also the time when it should start and finish, as well as the frequency. We can observe that it is in this respect that most care is given to the Arabic

[27] We can find data about this evaluation in Galán Sánchez 1991: 82–9 and 186–9, including reference to the transfer of these *habices* properties into private hands.

equivalent of the Castilian for the day and hour. There are cases in which the text has a blank space after the transcription of the spoken Arabic, to be filled in with the word written in Arabic, which the scribe probably suspected he had not well understood. This happened for example with *leyla talhamiz, leyla talçebte, leyla taljuma*, etc. In another case, a certain plot of arable land is said to be irrigated for two hours, "from the *Avemaria* until the *atama*," and another one only a quarter of the day "*que se dize en arávigo harrova*."[28] We do not know if this enumeration in Arabic of the days of the week could indicate that it was only expressed in this language.

The texts also provide relevant explanations on Arabic terminology: "*un repecho que se dize en arávigo Tel*" or "*una pared alta que se dize en arávigo Jorf*," etc. Sometimes the same toponym appears with a double denomination, in Castilian and Arabic: Pago del Río ("the plot of the river") and Pago del Güid. Measurements are also sometimes given in two equivalents: twenty *cadahes*, two *çelemines Moriscos*. We find only the Arabic word *cántara* used for "bridge," or *tarij* for "way," because the explanation of a specific word which everyone knows is considered obvious. In contrast, we have the Mozarabic *carreyra*, meaning "track for the cattle."

The collection of *Libros de habices* from Granada is kept in the archives of the Cathedral and in the Curia of the city, a total of fifteen copies, dating from 1505 to 1721.[29] There are also documents referring to *habices* in the general archives of Simancas,[30] these ones were written almost at the time of the Christian arrival in Granada and therefore provide specially relevant information on the Naṣrid kingdom of Granada.[31]

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[28] On this issues, see Espinar Moreno, Glick & Martínez Ruiz 1989 and also Martínez Ruiz 1989.

[29] See Villanueva Rico & Soria Ortega 1954: 460–1.

[30] To be found especially in the section *Escribanía Mayor de Rentas* and *Contaduría Mayor de Cuentas*.

[31] For works based on this kind of documentation, see Hernández Benito 1990 and Trillo Sanjosé 1994.

Appendix I

1. *Romanced document*[32]

Licence of the *alcaide* Aben Comixa to Ali Cabi in order to fill the water tank in his house and irrigate his lands. Romanced by Juan Rodríguez, interpreter and royal scribe, 12th October, 1537.

Document included in the lawsuit between Juan Abenzayde, proprietor of a pottery in the parish of San Nicolas, and Alonso Abregan, a neighbour, for the rights and ownership of the water belonging to both houses.

Castilian text (3 ff. Court italic writing)

En la muy noble, nombrada e grand çibdad de Granada diez dias del mes de octubre año del nasçimiento de nuestro Salbador Iesuchristo de mill e quinientos e treynta e siete años por ante mi Juan Rodriguez escrivano trujaman de las escripturas aravigas en esta dicha çibdad e reyno de Granada por su Magestad paresçio presente Bernabe el Gordoman bezino desta dicha çibdad e fizo muestra de una escriptura escripta en papel en letra araviga e fyrmada de dos alfaquies escrivanos publicos segund por ella paresçia e dixo que por quanto a el le conbiene tener la dicha escriptura en letra e lengua castellana para que conste lo en ella contenido e para otras cosas a su derecho convinientes, por tanto que me pidia e pidio que pues yo estoy proveido por su Magestad para la traduçion de las escripturas aravigas, romancee la dicha escriptura e se la de signada e firmada en publica forma para lo que dicho tiene.

E yo el dicho escrivano de su pedimiento romance la dicha escriptura de que de suso se faze minçion, la qual tornada en lengua castellana dize en esta guisa:

Con el nombre de Dios, Piadoso e Misericordioso. Aviendo Ali fyjo de Mohamad el Cabi metido el agua a su casa al tienpo que la labraba fuele puesto a ello ynpedimento por el alcide ensalçado, hidalgo de linaje Ali hijo de Abdalla Aben Comixa, por quanto la dicha agua es pertenesçiente a su casa, que llaman Abenzamarq. E el eldicho Cabi rogo al dicho alcaide Aben Comixa consyenta que pueda el henchir de noche

[32] Granada Municipal Archives, file 3442, piece 1 (dated 1539). See Álvarez de Morales & Jiménez Alarcón 2001, document no. 6.

y no en otra manera la alberca que dizen Mabela, que hizo en su casa. El qual cunplio su ruego en lo que dicho es con que cada y quando el o quien subçediere en la dicha casa despues del para syenpre jamas se la puedan quitar e ynpedir, por razon de lo qual paresçieron los hermanos ligitimos e el dicho Ali el Cabi e sus dos hermanos Hamete e Yzmael con el dicho alcayde Aben Comixa e otorgaron por sus personas que en la dicha agua que pasa por sus heredades a la dicha casa no les pertenesçe ningund derecho a ellos nin alguno dellos e que solamente se an de aprovechar della por obra de consentimiento del dicho alcayde o de quien despues del subçediere en ella e que ninguno que poseyere las dichas heredades no pueda regar con aquella agua sy no fuere de noche y despues de pedir liçençia para ello a quien estuviere en la dicha casa e que cada y quando se la quiseren ynpidir lo puedan hazer quien quier que fuere para syenpre, otorgaçion cunplida que supieron todos los que fazian. E fueron testigos de la otorgaçion de lo que dicho es quien los conosçieron estando sanos e con salud bastante.

Fecha en fyn de la luna de Dulqueda año de ochoçientos e ochenta e lo fyrmaron dos alfaquies que paresçen ser escribanos publicos.

Translation

In the very noble, famous and great city of Granada on the tenth day of the month of October in the year of Christ our Saviour one thousand, five hundred and thirty-six, in my presence, Juan Rodriguez, scribe interpreter of Arabic writings in this same city and kingdom of Granada by his Majesty, appeared Bernabe el Gordoman, inhabitant of this same city, and showed a text written in Arabic letters and signed by two *alfaquies*, public scribes, according to what appeared in it and said that, as far as it concerns him, to have the said text in Castilian letters and language in order to establish what it contains and for other things convenient to his rights, so he was asking me and asked me as I am supplied by his Majesty for the translation of Arabic writings, to transcribe the said text and give it to him initialled and signed in public form for what is said.

And I, the said scribe of his petitioned romance, the said writing which is previously mentioned, which, translated into the Castilian language, says the following:

In the name of God, Compassionate and Merciful. Ali son of Mohamad el Cabi, having put the water in his house at the same time as he was cultivating, was given/sanctioned with an impediment by the exalted *alcaide*, a nobleman by lineage, Ali son of Abdalla Aben Comixa,

by which the said water is pertaining to his house, which is called Abenzamarq. And the said Cabi asked the said *alcaide* Aben Comixa to consent that he might fill by night, and not in another way, the water tank that is called Mabela, that he built in his house. He fulfilled his request in what is said, that each time, and when he or whoever succeeds in the said house after him, could never take away or impede, by reason of which the two legitimate brothers appeared and the said Ali el Cabi and his two brothers Hamete and Yzmael with the afore-mentioned mayor Aben Comixa, and they themselves authorised that in the very water which passes through their inherited property to the house, neither of them has any right to them, and that they can only take advantage of the latter by means of the consent of the *alcaide*, or of who might afterwards succeed him, and that no one who possessed these same properties might irrigate with that water if it were not by night and after requesting a licence for this from whoever was in this said house, and that whenever they wished to impede it, whoever wanted to could do so forever, permission granted known by those involved. And those who knew it, being in good health, were witnesses of the authorisation of what has been said.

Dated at the end of the moon of *Dulqueda* year of eight hundred and eighty[33] and signed by two *alfaquies* who were present as public scribes.

Appendix II

Receipt of the farda tax[34]

Arabic text with the Castilian 'translation'[35]

يدفع جوان فارح وابنه مغيل في شان بلاس ستة و خمسون مثقالا و ستة دراهم عام

Juan Lopez Fireh y su hijo Miguel por la herencia de Isabel Abendafra paguen en san Blas çinquenta y seis pesantes y seis dineros de los serviçios deste año de MD y sesenta.

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[33] 26 March 1476.

[34] Alhambra Archives, L-188–41, A-86–41. This and other similar documents have been summarized by Álvarez de Morales 1997–98.

[35] Please note that the translator adds relevant information that is not in the Arabic original. The Spanish translation is made from the Arabic, which has the sixty of the date written in *rūmī* characters.

Translation from the Arabic

Juan Farih and his son Miguel are to pay on the date of St Blas fifty-six *metical*s and six *dirhams*. Year [15]60.

2. *Extract from a Book of* habices[36]

Castilian text

Libro de apeamyento de los habizes del alpuxarra, de las tahas de ferreyra, poqueyra y xubiles, que los apeó Benyto de Carrión, escribano 1527.

Habizes de la Yglesia de Meçina de Buenvaron e de las rabitas de Beniejen e de Ravdan e de Abohidar e de Haratalozara e del Laujar e del Gayda e de Haratabogayt desde partido.

Vn moral que hará çinco arrovas de hoja ques destos dichos habizes desta dicha rábita de Abohidar, a las espaldas de la casa de Juan Yahi el Murçi, que alinda la dicha haça de la vna parte con casa de Diego de Murçia el Murçí, e de la otra parte con casa de Juan Çapata Almahizeli.

Vn solar de la dicha rábita de Abohaydar que tiene veynte piés en largo e treze en ancho, que alinda de la vna parte con casa de Juan Abenayt Pulgar, e de la otra parte con la plaça, ques macaber y está enfrente de la casa del dicho Juan de Murçia Yahi.

Vn moral en la dicha plaça, enfrente de la dicha rábita, en la parte alta, que hará dos arrovas de hoja, que alinda con el camino que va a la syerra, y está enfrente de la casa de Diego el Bayrini; es este dicho moral destos dichos habizes desta dicha rábira de Abohidar.

Vna mata de morales de tres piernas, la vna muy gruesa y las otras dos caydas, que harán quatro arrovas de hoja, en haça de Juan Alazerac, en el pago de Abohidar, ques desta dicha mata destos dichos habizes desta dicha rábita de Abohidar, que alinda la dicha haça de la vna parte con haça de Diego el Cordodovi (sic) e de la otra parte con el barranco e de la otra parte con el camino real; está la dicha mata junto al dicho camino real y cahe sobre la dicha haça del dicho Juan Alazerac.

La mitad de vn moral destos dichos habizes desta dicha rábita de Abeniegen, que hará vn arrova y media de hoja, que la otra mitad es de Hernando Abenabó, vezino de Meçina, en vn pedaço de tierra ques del

[36] Archives from the Ecclesiastical Curia in Granada, no. 5.

dicho Hernando Abenabó, en el dicho pago de Abohidar, que alinda de la vna parte con el camino de la syerra, e de la otra con haça del dicho Lucas Abohoroz, e de las otras partes con haças del dicho Abohorz; está la dicha mata en la orilla de la tierra que cahe junto al dicho camino e es vn ramón questá muy junto al dicho camino a la parte alta de dicho Hernando Abenabó, y todo lo de la parte baxa es destos dichos habizes.

Vna mata de morales de tres piernas que hará vn arrova y media de hoja destos dichos habizes de la dicha rábita de Alozara, en haça de Juan Alazerac en el dicho pago de Abohdar que alinda con el camino que va a la syerra, e de la parte alta con tierra de Diego el Bayarcali, e de la otra parte con haça del dicho Lucas Abohorz; está la dicha mata cabo vna noguera a la parte del camino.

Vn moral que hará çinco arrovas de hoja, ques destos dichos habizes desta dicha rábita de Abeniegen, en haça del dicho Juan Alazerac, deslindada e declarada en el partido antes deste; está el dicho moral en medio de la dicha haça cabo otro questá algo caydo ques ageno.

Vna mata de morales de tres piernas que hará dos arrovas de hoja, questá cabo vn nogal ques destos dichos habizes desta dicha rábita de Abenegen, en tierra de Juan Abenhiexin, en el dicho pago de Bohidar, que alinda de la vna parte con el açequia e de la otra parte con haça destos habizes desta dicha rábita e con haça de Diego el Bayarcali.

Vna haça de riego mas no tiene agua suya de dos marjales, es en dos vancales con vn moral que hará tres arrovas de hoja e ques esta dicha haça e moral e árboles destos dichos habizes desta dicha rábita de Abeniegen en el dicho pago de Abohidar, que alinda de la vna parte con haça de Juan Abeniexim e de la otra parte con haça de Gonzalo Recmil e de la otra parte con el barranco.

Translation

Book of survey of the *habices* of the Alpujarra, of the regions of Ferreyra, Poqueyra and Xubiles, which were surveyed by the scribe Benyto de Carrión, in 1527.

Habices of the church of Meçina de Buenvaron and of the hermitage of Beniejen and of Ravdan and Abohidar and Haratalozara and Laujar and Gayda and Haratabogayt of this judicial district.

A mulberry tree which will give five *arrobas* (1 *arroba* = 11.5 kg) of leaves, which is of these same *habices* of this hermitage of Abohidar, at the back of the house of Juan Yahi el Murçi, which is adjacent to the *haza*

(portion of farm land) on one side with the house of Diego de Murçia, and on the other side with the house of Juan Çapata Almahizeli.

A plot of land of this same hermitage of Abohaydar which is twenty feet long and thirteen wide, which borders on one side with the house of Juan Abenayt Pulgar, and on the other side with the square, which had been a cemetery, and is opposite the house of Juan de Murçia Yahi.

A mulberry tree in the same square, opposite the chapel, on the high part, which will give two arrobas of leaves, which is adjacent to the path which leads to the mountains and is opposite the house of Diego el Bayrini; it is this mulberry tree of these *habices* of this hermitage of Abohidar.

A grove of mulberry trees with three trunks, one very thick and the other two at an angle, which will produce four arrobas of leaves, in the *haza* of Juan Alazerac, in the lands of Abohidar, which is of the same grove of these *habices* of this hermitage of Abohidar, which is adjacent to the *haza* on one side of the *haza* of Diego de Cordodovi (*sic*) on another side with the ravine and on another part with the royal path; this orchard is adjacent to the royal path and gives on to the *haza* of the aforementioned Juan Alazerac.

Half of a mulberry tree of these same *habices* of the afore-mentioned chapel of Abeniegen, which will produce one and a half arrobas of leaves, of which the other half is of Hernando Abenabó, inhabitant of Meçina, on a small piece of land which is of this same man, Hernando Abenabó, in the lands of Abohidar, adjacent on one side with the path to the mountains, and on the other side with the *haza* of Lucas Abohoroz, and on the other sides with the *hazas* of the cited Abohoroz; this same orchard is on the bank of the land which is to be found beside this path and is a large branch which is very close to the same path of the high part belonging to Hernando Abenabó, and all of the lower part is of these aforementioned *habices*.

A grove of mulberry trees with three trunks which will produce one and a half arrobas of leaves from these *habices* in the said hermitage of Alozara, in the *haza* of Juan Alazerac in the lands of Abohdar which is adjacent to the path which leads to the mountains, and on the higher side with land of Diego de Bayarcali, and on the other side with the *haza* of the said Lucas Abohorz; this same orchard is near a walnut tree in the part towards the path.

A mulberry tree which will produce five arrobas of leaves, which is from these *habices* from the same hermitage of Abeniegen, in the *haza* of the afore-mentioned Juan Alazerac, demarcated and declared in the

judicial district previous to this: this same mulberry tree is in the middle of this *haza*, near another one which is somewhat at an angle and which is not his.

An orchard of mulberry trees with three trunks which will produce two *arrobas* of leaves, which is near a walnut tree which is of the said *habices* of the hermitage of Abenegen, in the land of Juan Abenhiexin, in the afore-mentioned lands of Bohidar, which is adjacent on one side with the irrigation channel and on the other side with the *haza* of these *habices* of this same chapel and with the *haza* of Diego el Bayarcali.

Another *haza* of irrigation of two *marjales* (measurement of land) does not have its own water, is in two terraced fields with one mulberry tree which will produce three *arrobas* of leaves and which is in this *haza*, and trees of these same *habices* of this hermitage of Abeniegen in the afore-mentioned lands of Abohidar, which is adjacent on one side with the *haza* of Gonzalo Recmil and on the other with the ravine.

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FROM MUSLIM TO CHRISTIAN HANDS: THE DOCUMENTS FROM THE MUNICIPAL ARCHIVE OF GRANADA[1]

Emilio Molina López and María del Carmen Jiménez Mata

Introduction

The transition of Granada from an Islamic to a Mudejar city[2] has documentary sources as the main witness to complement the historical account given by the chronicles of the last decades of the Naṣrid kingdom. These sources provide us with information which speaks about the life of the chancellery, or royal secretariat, by means of official and private letters, travel authorizations, royal correspondence, and diplomatic documents. Also, the agreements and documents on diverse subjects produced by the judicial courts provide us with a good picture of everyday life.[3]

In this work we will study the collection of Arabic documents preserved in the municipal archive of Granada. The analysis of these documents allows us to enquire into different research areas, such as the origin of the 'corpus,' the affinity between the documents in every collection, their historical background, the territorial areas and specific toponymy, the economy and monetary systems, as well as the use of translations from Arabic into Romance. The combination of the results of these partial studies will certainly help us to understand better the economy and society of the last part of the Naṣrid kingdom.

Historical research on al-Andalus has made use of information gathered from three different kinds of sources: textual, material and documentary. The meticulous utilization of these sources of information, together with a well verified systematic analysis, can bring us closer to

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[1] This paper is based on the introduction to our edition of the documents of the municipal archive of Granada. For this edition, see Molina López & Jiménez Mata 2004.

[2] On this transition, see del Moral 2002, Peinado Santaella 2000 and Barrios Aguilera 2002.

[3] On the documentary sources, see Barceló & Labarta 1990, Molina López 1993. The latter is a catalogue of 71 documents together with a review of scholarship. See also Viguera 1993 and 2002.

the historical reality of the time. In order to obtain this purpose, this seemingly straightforward theoretical approach obliges us to perform a 'multi-disciplinary micro-surgery' based both on the data and on a conceptual reflection, which should later be inserted into its historical context.

The Nasrid Arabic documents are recognized as excellent material to study political, social, territorial, legal and economic history. But there are two possibilities: documents written in Arabic, either original or reproduced in certified or confirmed copies, and the Romanced documents for Christian usage. In some cases, as in the present collection, both possibilities merge, as two versions exist for each of the documents.[4] With regard to the publication, translation and research on the documents written in Arabic, we would like to highlight the excellent work by L. Seco de Lucena, *Documentos arábigo-granadinos*,[5] in which he established the guidelines for a study of these kinds of sources.

The Arabic documents in the municipal archive of Granada

The collection contains ten documents with fifteen deeds related to real estate—with the exception of one of them (doc. 1), which is a testimony of the suitability of a person—belonging to both the urban and rural environment of Granada. The oldest document dates from 6 Jumādā II 886/2 August 1481 and the latest from 26 Shaʿbān 904/8 April 1499. Therefore, most of the documents date from a period very close to the Castilian conquest of Granada in 897/1492.

A distribution of the documents' contents is:

6 sale contracts (docs. 2, 3, 4a, 5, 10a, 10b)
2 testimonies of ratification (docs. 4b, 5b)
2 certificates of exchange (docs. 7, 8a)
1 agreement of suitability (doc. 1a)
1 homologation deed (doc. 1b)
1 ownership record (doc. 6)
1 testimony of payment (doc. 8b)

[4] This paper is part of the project 'Estudios sobre la Granada nazarí a través de las fuentes documentales,' directed by C. Álvarez de Morales and funded by the Ministerio de Ciencia y Tecnología of Spain (BFF2002–02250).

[5] See Seco de Lucena 1961.

1 expert's evaluation (doc. 9) emit
Romanced version of the documents 3, 4, 5, 6 and 7

In general, the documents refer to real estate properties inside Granada's city walls and supposedly 'well situated.' Among them were urban estates (*khirba* or "poultry yard," in docs. 3, 4, 5 and 6) bordering on the River Darro, a shop (doc. 9) located on the Barber's river-bank (*Raṣīf al-Ḥajjāmīn*) and an attic storehouse (*al-maṣriya*, doc. 8) on the square of the Great Mosque.

The rest are rural properties near the city, 'in the surrounding area of Granada:' a threshing-floor (*andar*, doc. 2) located in al-Minkhas in Marj 'l-Ruqād (in Romance called Majarrocad/Marjarrocad/Majarrocal); half of a threshing-floor (doc. 10a) in Andar al-Balḥī also in Marj al-Ruqād; a piece of a threshing-floor (doc. 10b) located also in al-Minkhas; an estate (*faddān*, in Romance *haça*) (doc. 7) located in Dār Hudhayl (in Romance "*Darhudeyl*," and nowadays called Arabuleila) is exchanged with another estate located in Marj 'l-Ruqād; an orchard (*janna*, doc. 8) located in al-Baṭrīqal (nowadays called El Pedregal), which was exchanged for the attic storehouse, as well as a down payment and a sum on behalf of the owner of the latter. Unfortunately the sizes of the estates are not indicated.

The first document deserves special attention as its content differs notably from that of the rest of the documents. It is an agreement about the suitability of Abū 'l-Ḥasan b. Muḥammad b. ʿAbd al-Raḥmān, proposed for the post of *alguazil* or governor (*wazīr*) in the hamlet of Purchil (*qaryat Burjīl*).[6] The hamlet of Purchil, located in the south-western area of Granada, was especially important in agricultural production. The document dates from the middle of Jumādā I of the year 900/11 February 1495. We do not have the Romance version at our disposal.

When Granada became part of the Castilian public administration, there arose some new problems—unknown in other Mudejar communities of the Iberian Peninsula. On the one hand, Castile was unaware of the previous Naṣrid tax regime, on the other, there occurred a disproportionate movement of the population, and finally, there was a considerable number of Christian settlers coming from other areas. However, the main problem was due to the *Capitulaciones* ("terms of surrender").[7]

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[6] On the location of this village, see Seco de Lucena 1974: 69. *Burjal* = *imāla* of *Burjīl*. See also Jiménez Mata 1990: 176.

[7] See Garrido Atienza 1991.

The lack of expertise of the Castilians demanded the presence of a Mudejar spokesman. The *aljama* therefore needed an *alguazil* or governor (*wazīr*), a judge (*qāḍī*) and a legal expert (*faqīh*) to carry out judicial and religious functions. Likewise, there was a 'council' composed of good and old men selected from the most influential authorities in the area. The key to the success of this new organization for the Muslim communities under Christian rule lay in these *alguaziles* who controlled the administration.[8] They performed different functions, as for example the collection of some *farda* taxes; they worked as experts in the settlement of Christians, and in the production of silk. Therefore, to find a suitable candidate for the function was important. Although this election was just the duty of the Kings, the social reputation of the chosen person in the community was also relevant.

In Document 1a, thirteen witnesses testified and agreed on the good personal qualities and social reputation of Abū 'l-Ḥasan b. Muḥammad b. ʿAbd al-Raḥmān, so that he was suitable to be governor. The witnesses belonged to well known families that enjoyed local prestige—two of them belong to the ʿAtīq family and the other four to the al-Musawwas family—and others also reflect well-known Arabic names such as Ḥabīb and ʿIyāḍ. Maybe they belonged to this 'council' of good and old men. The document was addressed to the *corregidor*, the representative of the Kings in the Mudejar communities, as it was recorded in Christian documentary sources.[9]

Notes on the documentary value of the Romanced versions

One of the most relevant features of the collection preserved in the municipal archive of Granada lies on the fact that the majority of these writings (nos. 3, 4, 5, 6 and 7) preserve the Romance versions, which were also preserved in the same archive (file no. 35). This is not an isolated phenomenon, although it is not very frequent. From the repertoire of romanced documents that we know until now, and which is growing in importance,[10] we have hardly any in the original Arabic. The same

[8] Galán Sánchez 1991: 134ff.
[9] Galán Sánchez 1991: 140.
[10] See Osorio Pérez & Santiago 1986, Santiago 1987, Álvarez de Morales & Jiménez Alarcón 2001, Jiménez Alarcón & Álvarez de Morales 1996–7, Espinar Moreno 1997a, Trillo Sanjosé 1992, Malpica Cuello 1992, Martín Quirantes 2001, Osorio Pérez & Peinado Santaella 2002. See also the romanced versions by González Palencia 1940.

happens inversely: from the number of original Arabic documents we scarcely have a few in a later Castilian version.[11] In both cases, to a certain extent, the fact that we have both versions allows us to discover considerable data of historical, onomastic, toponymic, geographical, linguistic and economic interest. We would be unable to fully identify these aspects if there would be only one of the versions.

On the one hand, thanks to these documents we know how and when the transfer of capital assets and property rights from Muslim to Christian hands took place. Likewise we know the names of the romancers or public scribes in the service of Castilian public administration.[12] Similarly, the Romance versions enable us to complete, or in some cases fill in, doubtful characters in the original Arabic text, as well as the 'blanks,' caused by the deficient state of the writing. However, the most important value is the fact that above all they enable us to identify a considerable number of witnesses, scholars, judges, *muftī*s, notaries and other members of the legal establishment, whose signatures were illegible, since they only wrote a decorated signature at the foot of each Arabic document. In the documents nos. 4b and 5b, for example, by means of the notification formulas accompanying the cited documents, it is possible to restore the name of Andrés de Granada al-Basṭī, which had been confused between the lines of the text and the signature.[13] We know that he belonged to the Mudejar 'collaborators' group—because he actively collaborated with the Christians—previously called Muḥammad al-Basṭī, and was appointed councillor in November of 1500 by the Crown, who also honoured him with a title.[14] Although the orthography is somewhat inadequate, the present documents offer proof of these titles.

These same documents likewise provide us with the name of the *faqīh*-scribes, or *alfaquies escriuanos* who endorse the documents, as for example, Mahamad Çayd Bona and Ozmin Alarrach (no. 4) and Mahamad el alfaquí el Belmelequi and el Achacar (no. 5), which would have been unnoticed without the Romanced version. Similarly, we can complete the list of witnesses who subscribed to the above mentioned deeds from other Romanced versions of the same documents. For example, in a

[11] The earlier one is in the archive of the Guadix Cathedral, see Molina López 1991. For a romanced version of this same document, see Espinar Moreno 1987a and 1988. See also Espinar Moreno 1987b.

[12] On this subject, see Molina López & Jiménez Mata 2004.

[13] He is also mentioned in Álvarez de Morales & Jiménez Alarcón 2001: 90.

[14] Galán Sánchez 1991: 394.

document attached to a sale contract (no. 4), where the Arabic is lost and the Romanced version was preserved, we can see a list of the signing witnesses:

> Witnesses, Abulcaçen, son of Mahomad Baqui, testified, except that he testifies for Miqueneçi, and Haçen, son of Mahomad Abengalib, testified, and Mahomad son of Abrahen el Marini, testified.[15]

Having the Romanced version at our disposal allows us to see that in both versions, Arabic and Romanced, they were using very similar writing criteria. In some cases, we find the 'translators certificate' and it would be advisable for the researchers not to omit them when they do a proper palaeographic reading of the documents. These certificates usually say: "the witnesses were present to see, read and compare this writing with the original Arabic." In the documents of the municipal archive of Granada, several names are repeated: Juan Pynel, Alonso de Soto, Juan Infante, Antonio de Satisteuan and Çayd Bona (nos. 4 and 5). This list of names, as with many others quoted in the documentary collections, should be studied within the general context of the ethnic groups of the Naṣrid period.

As well as providing us with an extensive inventory of onomastics, toponymics and also of different legal procedures, these Romanced versions also represent a special source of information for the study of Naṣrid and Mudejar economy, particularly regarding the different coins used in economic transactions.

Historical analysis of the documents

The villages which mark the boundaries of the plots mentioned in the documents—Marj 'l-Ruqād, Dār Hudhayl and al-Baṭrīqal—are mostly related to an agrarian area in the Vega de Granada, in the North West to South South West of Granada, following the River Genil. As we already mentioned, there is also a reference to the hamlet (*qarya*) of Purchil (Burjil) and to a very specific and minor toponymy for establishing the limits of the plots. On the other hand, these plots are usually described through their four (north, south, east and west) limits. However, they used 'generic' limits, as for example an irrigation channel (*sāqiya*), a road (*ṭarīq*), and so on. The neighbouring owners are also mentioned, with

[15] These witnesses appeared frequently in other documents with similar dates.

specific emphasis on their *nisba*, as Andarax or Baza, or their Naṣrid lineage, as the Banū Sarrāj (in Romance called Abencerrax).

Agrarian terminology reveals two features: division of land into specific plots and subdivision of smaller plots. On the one hand, among the first type, the word *faddān* defines a land plot, estate or property for cultivation,[16] and *janna*, which traditionally refers to an orchard, indicates in the description that it has fruit trees and mulberry trees. On the other hand, three documents record divisions and subdivisions of a threshing-floor ("*andar*").[17] It is very complex to define this agrarian terminology, and it always changes depending on the historical moment and the area of study.[18] Nevertheless, we know that the documents refer to a privileged agricultural area, related to the previous Naṣrid real estate properties and those of the aristocracy of the kingdom.

The historical and political atmosphere prevailing in the years when the documents were dated, that is between 886/1481 and 904/1499, begins with the end of the 1478 treaty between Granada and Castile. The re-conquest of the emblematic Castle of Zahara (1481), governed by Gonzalo de Saavedra, and the conquest of Alhama (1482), which controlled the Granada-Malaga and Ronda route, were followed by the outbreak of the definitive war which gave way to a new political order.[19] The Mudejar society of Granada, which was a result of the conquest of the kingdom of Granada between 1482 and 1492, represents only a transitional stage before the Morisco period.

This political situation—given the formal and even institutional contents of the documents—affected the individual and personal status of the people implied in the documents, that is, the purchasers and sellers immersed in a society which was conditioned by political events. The *Capitulaciones*, which constitute a judicial *corpus* for the Mudejar period, were never fully implemented. As M. Barrios pointed out, with these *Capitulaciones* they wanted to create a *convivencia* for the Christian and Muslim communities—the Muslims now referred to as Mudejars, from the Arabic *mudajjan* ("domesticated, dominated"). In reality these good intentions failed after a very short period. Instead of establishing a

[16] Also "*fanega de tierra*," referred to as "the piece of land that can be ploughed in a day."

[17] See Martínez Ruíz 1988.

[18] For a general overview on the geographical and administrative terminology, see Jiménez Mata 1990: 121. See also Martínez Ruíz 2002 and Zomeño 2001.

[19] See Vidal Castro 2000: 191–209.

policy of coexistence, there occurred a forced assimilation by the majority of the conquerors over the minority of the conquered. From a social perspective, the pressure of the conquerors on all social sectors was very soon unbearable.[20]

Although at first the private property of the Mudejars tended to maintain its previous status, later on large plots of land were lost into the hands of Castilians who bought them at low prices, less than their value, so inflation ensued. The purchasers of a threshing floor and two other fractioned parts, Abū Jaʿfar Aḥmad b. ʿAlī b. Ayman (doc. 2) and Aḥmad b. Muḥammad b. Ayman (doc. 10b), could be relatives looking for a unification of their lands. The price of the latter, in spite of being a fraction, is low—one silver *dīnār* (in Muḥarram 900/October 1494)—with regard to the price of the whole threshing floor, 40 silver *dīnār*s "those that are worth ten" (in 6 Ramaḍān 903/28 April 1498). This seems to be a disproportionate price, due maybe to the interest in the purchase. These were transactions between Muslims.

The most important Naṣrid property belonged to the Public Treasure (*bayt al-māl*). They were very valuable lands of twenty-five gold *dīnār*s per *markhal*.[21] We know that they were located along the course of the River Genil, located in different villages, as much as one hundred and forty villages along the Vega.[22] These royal property lands are difficult to distinguish from those of the sultan's private patrimony (*mustakhlas*).[23] However, both were sold for well-justified reasons: the necessity of 'buying' peace treaties from Castile, the defence of the frontier, always in need of money, and the general economic necessity suffered in the Naṣrid kingdom since the middle of the fifteenth century. In the Arabic documents of Granada we have evidence of the alienation of these Crown properties.[24] The old aristocracy of Naṣrid Granada also lost many properties due to the change of the political power and emigration. In fact, ownership underwent a great change.[25] However, there were also great landowners among the Mudejars, since some of them managed to keep their patrimony through their collaboration with the Christians.

[20] See Barrios Aguilera 2002: 28ff.

[21] See Ibn al-Khaṭīb (d. 776/1375) *al-Ikhāṭa*: 2, 116 and 125; Jiménez Mata 1990: 81–2.

[22] See Ibn al-Khaṭīb, *al-Ikhāṭa*: 1, 126–32; Jiménez Mata 1990: 82–6.

[23] See Molina López 1999 and 1999–2000, Peinado Santaella 1995.

[24] Molina López & Jiménez Mata 2001: 453–56.

[25] Galán Sánchez 1991: 185.

Fifteenth-century Granada had a well-designed urban plan. The River Darro was the main axis which divided the city into two parts. Since the transformation in the eleventh century by the Zīrī urban nucleus, it extended towards the plain, in such a way that the bridges played a central part in the main communications.[26] The urban real estate referred to in the documents different kinds of urban real estate properties such as a shop[27] and an attic storehouse,[28] the latter located in the square of the Great Mosque, are considered to be of a high value due to their location in commercial streets and areas. In the documents there are repeated references to the River Darro and to *Raṣīf al-Ḥajjāmīn* ("Barbers' river bank"). They also mention the street *al-Ḥasiba* (in Romance "al-Hadida" [sic]) and *Raḥā 'l-Ḥufra* (in Romance "Molino de la Hofra" or "Burbulya," "Borbolya"). Seco de Lucena[29] already pointed out that *Raṣīf al-Ḥajjāmīn* was one of the most important streets parallel to the course of the River Darro, on its left bank, which ended in *Zanaqat al-Ḥasiba*, near the Bridge of the Crown, connecting Elvira street with the Mauror quarter. It is not possible to appreciate the real value of this property, but it is significant that for a building (doc. 3, dated 4 Ramaḍān 897/30 June 1492), that should have been well located for reasons mentioned previously, and with the Banū Sarrāj as 'mediator' or 'neighbour,' five *real* were paid. And they paid twenty-seven silver *dīnār*s, two *dirham*s, and one third of a *dirham*—*pesantes* and *dineros* respectively—for another building at a later date. This is a similar case to the sales of the threshing floors quoted previously. Either there was interest in the purchase or an exaggerated rise in the prices.

Similarly, these documents help to determine the value of urban and agricultural properties, as also their fluctuation in the urban and rural areas. As we mentioned above, the complexity of the subject does not allow us to prefix a model on the monetary system, nor on the criteria regarding distribution of real estate in the process of transfer of patrimony. Since J.E. López de Coca[30] noted these omissions more than twenty-five years ago, it is clear that the state of research has, to a certain extent, changed considerably. The proliferation of studies based

[26] See Orihuela Uzal 2002. See also a general vision of Granada through the description by the German Jerónimo Münzer 1991, in an account a little later than the Christian Conquest.

[27] See Torres Balbás 1947 and Villanueva Rico 1966.

[28] See Torres Balbás 1950.

[29] See Seco de Lucena 1975: 77–9.

[30] López de Coca 1982.

on Arabic or Romance documents, particularly the latter, has allowed some aspects of the economic and social history of the Naṣrid kingdom to be somewhat enriched: among other aspects, this includes the agrarian landscape, the criteria for land division and distribution, and the fluctuation of the prices of real estate and the tax system. Although the information at our disposal is already profuse, it is still very precise and extremely variable, above all in the years close to, prior to and subsequent to the conquest by Castile. Nevertheless, the small collection of documents which we are studying has much in common with the rest of the Granadan-Arabic documents in general, which will be an excellent reference to endorse what is referred to here.

It is generally accepted that the economy of Granada in the fifteenth century was based on gold and silver coins, using a gold standard at a silver rate, based on three monetary legal units, theoretical units or actual money:[31]

– The *dīnār dhahabī* of 22 carat gold, approx. 2 gr. worth 7.5 silver *dīnār*s or 75 silver *dirham*s.
– The *dīnār fiḍḍī* or *mithqāl*[32] worth 10 *dineros* or 10 *dirham*s of silver (*ʿashriyya*).
– The *dīnār ʿaynī* or of "copper" worth 40 silver *dīnār*s "of those which are worth ten" (*ʿashriyya*), which were minted by Abū ʾl-Ḥasan ʿAlī.[33]
– The *fals* or *fulus* of copper.

Similarly, commercial transactions were also carried out in "silver Castilian *real*," particularly in the last years of the fifteenth century. As far as we know from Arabic or Romance documents, the sale contracts made between 1460 and 1475 were generally carried out in gold *dīnār*s, while those contracts made about 1492 hardly mentioned the use of the gold *dīnār*, and they quoted directly the *dīnār fiḍḍī*, or "silver one," or the "pesante" "in the usual currency" (*al-muʿtād*, in Romance "almoated"), and "those which are worth ten" (*ʿashriyya*) and "silver Castilian *real*"

[31] See Vallvé 1984: 161–2 and 1974: XVIII–XX. On the coins for the Nasrid period, see Rodríguez Lorente 1983, Fontela Ballesta 1988, 1992, 1993a, 1993b, 1993c, Motos Guirao & Díaz 1987, Ibrahim 1992, Roselló Bordoy 1990.

[32] The *pesante, mithqāl* or silver *dīnār*, as we already pointed out, is equal, in different years, to 30, 31 or 34 *maravedíes*. One *dinero* or silver *dirham* equals two *qirāṭ*/s, four *rubʿ* or *cuartos* and eight *feluces*. Vallvé 1984: 161–2 and 1974: XXI.

[33] See Seco de Lucena 1970: document no. 51, p. 316. As is well known, there were several documented mints during the Naṣrid kingdom. See Roselló Bordoy 2000: 565–82.

equivalent to silver *dirham*s or *dineros*. The huge variety of coins minted during this period, particularly during the last years of the sultanate, is justified to a large extent by the economic fluctuation, not always buoyant, but rather in precarious conditions together with the continuous periods of political instability. This variety is especially clear in the Arabic documents.

Although it is very difficult to define a standard model for real estate properties in Granada, because we often lack a complete description, the documents provide some valuable data on the matter.[34] The urban buildings, generally attic storehouses, shops, bakeries, courtyards or ruined buildings are usually fully described, including complete references to their boundaries and locations. However, these descriptions do not allow us to appreciate their character, size and preservation state as well as the prices, because they varied considerably according to the time or the circumstances of the transaction. Likewise, the units of agrarian production, habitually *faddān*, *karm* ("vineyard"),[35] *andar* and *janna* among others, omit to mention the total surface of the property. Although, in general, the manuals for notaries recommend specifying the exact boundaries of the lands, these recommendations were not always followed and similarly they did not always specify either the exact value or the size. However, when the exact area is mentioned, it is always measured in *markhal* (*marj ʿamalī*), an agricultural measurement generally applicable to dry farming and equivalent to 528,420 m^2.[36] There is some significant data: the value of the *markhal* was three gold *dīnār*s at the usual silver exchange rate in 1460, as it was the price of two plots of 300 *markhals*; another plot of 202 *markhals* was worth 600 *dīnār*s. In 1475, the value of the *markhal* was 1½ gold *dīnār*, at the usual silver exchange rate, that is, forty-eight *markhal* would be worth 77 and a half *dīnār*s.[37] Between February and March, a fall in the value of the *markhal* was observed, which had been increasing since the critical situation of Granada gave way to another more stable situation at the end of the century. The value of a farm of 202 *markhal* sold in February was 300 silver *metical*, while another farm of the same size, sold in March, was valued at 202 silver *dīnār*s, i.e. at one silver *dīnār* per *markhal*. Lower than this figure, perhaps, were the fifty *markhal* paid at forty-five *mithqāl*s.[38]

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[34] Molina López 1993, Molina López & Jiménez Mata 2001.
[35] Zomeño 2001 and also Molina López 1996.
[36] Vallvé 1974: XVIII–XX.
[37] Molina López & Jiménez Mata 2001: documents nos. 15, 16 and 20.
[38] Molina López & Jiménez Mata 2001: documents nos. 22, 28 and 29.

Likewise, when the date for the transactions was close to 1492, payments were made in "Castilian *real*." Even though the examples we have of the original documents are very precise, the Romance ones offer many variations. With the sole exception of a few documents, almost in the whole set of Romanced documents related to the areas of Jau and Chauchina[39] the real estate transfers were done in "Castilian *real*" (referred to as "the ordinary ones," "of a declared value," or "the *real* in force now" or "quarter parts of a *real*"). For 1001 *markhal*s, 1501 and a half were paid "at the rate of one *real* and a half for each *markhal*" (no. 1a); and in the majority of the remaining documents, one *real* was paid for three *markhal* for one *real*.

The prices of urban properties fluctuated and were rising continuously throughout the whole of the fifteenth century until the year 1492, with the Christian conquest, and finally progressively increased again in later years. Hence, prices rose from the beginning of the sixteenth century and reached very high figures. If an attic storehouse in the Mauror quarter of Granada cost twenty gold *dīnār*s around 1453, or another one in the *Portalón al-Ashrāf* cost 160 gold *dīnār*s in 1476, the same type of urban property next to the *Sarrājīn* baths depreciated in value to 122 silver *real* in 1493, and another one was sold in the same quarter at 16 *dīnār*s *ʿaynī* in 1497.[40]

With the sole exception of the purchase in 1492 of a building in ruins which was valued in Castilian *real* (doc. 3), the rest of the properties, both rural and urban, were set in silver *dīnār*s "at the usual exchange rate of ten." Likewise, with the exception of a shop on the riverbank of the Barbers, in the inner city of Granada, beside the River Darro, which was sold in 1481, and whose price reached the sum of 40 gold *dīnār*s (doc. 9), the rest of the properties adjusted their value to the generalized depreciation existing at the time of the final conquest of the Naṣrid kingdom of Granada. So, in the urban context, the two buildings situated next to Molino al-ḥufra sold in 1499 to Alonso de Caceres, were estimated at a price of 27 silver *dīnār*s, 2 *dirham*s and a third of a *dirham*, the first one, and the second one at 40 *dīnār*s (docs. 4 and 5). Also, the attic storehouse in ruins near the Great Mosque, which was exchanged for an orchard in El Pedregal, on the outskirts of the city, had depreciated in value so much that the exchange owner was obliged to compensate his counterpart for the building with the sum of 20 gold *dīnār*s

[39] Molina López & Jiménez Mata 2001: document no. 7.
[40] Molina López 1993: 286–7.

(doc. 8). These latter properties are also a complementary testimony on the state of conservation of urban constructions in post-Nasrid Granada. The term used in the documents is unmistakable *khirba*, which refers to a "building in ruins or poultry yard." Therefore, the impression cannot then be more negative, it was an obvious sign of the precarious urban situation in Granada.

Similarly, the value of rural properties followed the same tendency: the threshing-floor in Majarrocad was priced at 40 silver *dīnār*s in 1498 (doc. 2), while the divisions of threshing floors, also in Majarrocad but sold between 1493 and 1494, were hardly valued at more than one *dīnār* and a half (doc. 10).

During the last two decades of the fifteenth century, transfers of properties and therefore movements of patrimony were very frequent.[41] This happened before and after the fall of the sultanate and certainly was conditioned, as is well known, by the inevitable deterioration of the Nasrid political situation. The social situation was also important for this matter because the Mudejar population, the old owners of real estate property, had to coexist with the Christian newcomers so that the structure of property transfers, whether legal or illegal, had changed radically. In general, and with respect to the area of the Capital city and the Vega around it, where buying and selling seemed to be more important than in any other part of the kingdom, both rural and urban real estate passed first to Nasrid owners of recognized influence and prestige over the years immediately before 1492. After the ultimate conquest of the capital of the kingdom, the property passed to Christian purchasers who were of similar social status and considerable economic capacity. The documents of the municipal archive of Granada reflect these same socio-economic dynamics, although they also differ in some precise aspects. In several of the documents, Alonso de Cáceres purchased some urban properties from Mudejar citizens some years after the conquest (docs. 3, 4, 5 and 9). This may have been frequent, except for the fact that Iñigo Lopez de Padilla, around that same date, exchanged some lands in the outlying area of Granada, as indicated before (doc. 7), with a Muslim, Abū Jaʿfar Aḥmad b. ʿAlī b. Ayman, no doubt for reasons of proximity and trying to concentrate all his properties in the same area. But it may even seem exceptional that several Muslims bought and exchanged with each other a number of properties during the last

[41] Peinado Santaella 1997, Galán Sánchez 1991.

decade of the fifteenth century, as is confirmed by our documents (docs. 2, 3, 8 and 10), when the dynamics of the transfer of patrimony should have been different.

It is a well known fact that the loss of arable land caused by pressure on the part of the Christians generated diverse reactions among the Mudejar population. Among these reactions was the re-establishment of their properties, which implied a form of passive resistance towards the Christians, as well as a strong intention of staying in Granada, when most of the Muslims had emigrated after the conquest.

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WATER AND FARM ESTATES IN THE ARABIC DOCUMENTS OF THE NAṢRID KINGDOM OF GRANADA[1]

Francisco Vidal Castro

Introduction

The legal regulation of water in Islamic law—ownership, distribution, use, management—stems mainly from the process and works of legal effect (*furūʿ*), such as collections of *aḥkām* (sentences), *nawāzil* (cases), *fatāwī* (legal pronouncements) and *wathāʾiq* (notarial deeds or notarial documents). These all bring together the development and application of a few basic principles derived from the Qurʾān and the *sunna* (Prophet's tradition) to a variety of specific situations and cases which may fall outside those general rules.

The Arabic documents of the Naṣrid period bear witness to that process and show: the influence that custom and local practice have on it, and its adaptation to the social circumstances of a given time and place.

This paper deals with water and its legal treatment based primarily on the Arabic Naṣrid documents available in the Fondo Antiguo of the University Library of Granada, most of which remain unpublished,[2] and secondarily on the documents edited and translated by Luis Seco de Lucena,[3] many of which come from the above mentioned collection.

Rural property and real estates are of special relevance since this is the setting in which water occurs most often in documents. This is obvious also considering the importance of farmland in the economy and the society of the time.

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[2] See Seco de Lucena 1970; Zomeño 2001b.

[3] See Seco de Lucena 1961. This work has many errors and typographical mistakes, especially in the dates.

The period studied here is the Naṣrid kingdom of Granada (thirteenth-fifteenth centuries),[4] in particular the fourth phase (Vidal 2000), namely most of the fifteenth century. There were serious political crises at this time, which had resulted in dynastic murders[5] and which weakened and destabilized the state in the previous two stages (approximately all of the thirteenth century); this in turn influenced land property and its transmission, price, official management, and other aspects, all of which are recorded in the documents studied. This influence cannot be ignored in the study of the evidence found in the documents.

Materials: A document typology

The legal typology or classification of the selected documents contains a wide variety of types. The most frequent one is the certificate of a sale contract (*ʿaqd bayʿ*). Inheritance division (*qismat tarika/tirka*), is also frequent, namely a sealed document which accounts for the distribution of the deceased's possessions between the rights' holders following the payment of due amounts, as specified by the legal regulations. The division sometimes included the order that a part of the legacy (from the third allowed for free use by the deceased) become *ḥubus* (i.e. an inalienable pious foundation for public or family profit, which is not allowed to be sold, the profit of which must always go to the charitable aim decreed by the founder).

Other documents in the collection are *qismat mushāʿ* (division and ensuing settlement of *pro indiviso* property), *kirāʾ/ʿaqd kirāʾ/ʿaqd īǰār* (lease documents), *waṣiya* ("last will"), *tamalluk/ʿaqd tamlīk* (record of ownership) and *muʿāwaḍa* ("exchange"). There are occasional *shahādat al-khubarāʾ* too, containing specialist reports, among others.

A typology of property and possessions

The most frequent type of farm estate recorded is the *faddān*, which could be translated as farm "land," "plot of land" or "estate." This is a general term for a variable surface which equals approximately the

[4] Viguera 2000.
[5] Vidal 2004.

surface that can be ploughed in one day, as *faddān* originally meant "yoke." Some scholars estimate its surface as 5024 m^2, while in countries like Egypt and the Sudan the *faddān* currently equals 4200 m^2.[6] Other more generic terms are *mawḍiʿ* for "place" or "domain," and *arḍ* for "land" or "parcel," although they do not seem to be always totally equivalent.

The division of these rather large estates, that is, when a smaller parcel of land is separated, results in plots that become independent property and which are called *qaṭra*, "parcels of land." These are considered the smallest unit of arable land which forms part of a larger estate. When an estate is divided into plots and sold, the terms *qasīma* or *qurʿa*, "plot," are used, but when it becomes an independent estate itself and is felt as such, the term *qaṭra*, "parcel of land" is used.

Some specific terms are used along with the generic ones above. They denote a rural estate with particular features, for example, *karm*, a very frequent term which in our corpus of documents may sometimes mean literally "vineyard," but would certainly include other cultivations too. The term *karm* sometimes seems to mean the same as in Spanish *carmen*, a word to denote specifically a periurban pleasure property consisting of a house and a garden or farm area distinctive to the Naṣrid capital city.[7]

As to the specification of whether an estate had irrigation water or not, the term *saqwī*, "irrigated," is always used, although the documents seem to prefer the form *saqawī* in a general use which could be considered a Granadan dialectal form of Arabic. This is how it occurs whenever the word occurs vocalized, as in at least two documents (no. 3 and no. 15).[8]

Other rural estates can be found as the object of possession among the various types of land, in particular *biʾr* ("well"), *ʿayn* ("water fountain"), *masqa* ("drinking trough"), *ṣahrīj* ("pond" or "cistern"). Other water-related elements lie near these forms of property, such as *sāqiya* ("irrigation ditch"), *khandaq* ("ravine"), *majrā* ("drainage ditch"), *majarr* ("torrent" or "seasonal watercourse") and *wādī* ("river").

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[6] See Corriente 1977: 576; Díaz 1990: 117–18; Díaz 1994: 55, 68–70; Zomeño 2001a: 280.

[7] See Tito & Casares 2000: 17–24. On the various terms used for farmland in Naṣrid documents on land division, see Zomeño 2001a: 280–4.

[8] For easier references, all the documents will be referred to by their number in Appendix II.

Water as added estate value

Notarial deeds and notarial documents on rural estates (sale, inheritance, division, renting, etc.) must describe and render detailed accounts of the object of the document: the exact location, boundaries, surface, cultivation, features, distribution, soil, etc.

However, the social setting caused many of these details to be left out, especially if they were secondary ones, so only indispensable facts like location, surface and boundaries were recorded. Even so, the most significant indication of the boundaries is not always registered and, more important, neither is the exact location and surface of the estate, the author of the notarial deeds or notary limiting himself to mentioning the municipality where it lies.

It is therefore extremely meaningful that documents never disregard or leave out water availability on an estate. Whenever it is the case, the estate is recorded as irrigation land. This shows the relevance that water had for land and for any related legal acts, so that explicit mention of water availability for irrigation is an indispensable part of the document.

Written record or explicit mention of water availability for the estate occurs in all kinds of documents, regardless of whether they are property sale, inheritance, division,[9] renting or exchange.

In what follows, a number of documents are described showing this for every document typology mentioned and for every estate typology.

Sales certificates (ʿaqd bayʿ)

This is one of the most frequent types of document.

The most common formula used for recording water availability may take two slightly different forms: a) *jamīʿ al-faddān al-saqawī* and b) *jamīʿ qaṭrat al-faddān al-saqawiyya*. The former could be translated as "the whole of the irrigated estate;" the latter could be "the whole of the irrigated parcel of land of the estate" and, as will be shown below, it occurs in a different type of document with a more logic concordance: *jamīʿ qaṭrat al-faddān al-saqawī* ("the whole of the parcel of land of the irrigated estate").

The documents of type 'a' are nos. 1, 3, 5, 6, 7, 13, 16, 18, 36 and 47.

[9] See Zomeño 2001a: 285–6 for this case in Seco de Lucena (1961).

The documents of type ‘b’ are only nos. 9 and 2. In the last one, the notary revises the document and writes: “I mean, unirrigated” (*bal baʿlī*) in an interlinear space which he adds over the words *faddān saqawī*.

Certificates of inheritance division or sealed division documents (qismat tarika/tirka)

Like the sale documents, the formula used in this type of documents for water availability takes the same two forms. The documents containing the former (*jamīʿ al-faddān al-saqawī*, “the whole of the irrigated estate”) are nos. 21, 25, 31, 32 and 48. The second form (*jamīʿ qaṭrat al-faddān al-saqawiyya*, “the whole of the irrigated parcel of land of the estate”) occurs only in no. 32.

Certificates of division and of settlement of pro indiviso property (qismat mushāʿ)

The division and distribution of the land belonging to different owners includes explicit and detailed reference to all the possessions. These kinds of certificates usually contain references to irrigated estates, a common possession in the sphere of rural ownership.

Such is the case of doc. 20 (dated 2 Muḥarram 837/19 August 1433), which contains the certificate of division and settlement of *pro indiviso* property between two brothers. The *pro indiviso* property consisted of various estates and livestock, among which are several farm estates of which detail is always provided as to whether they are irrigated or otherwise, as follows:

– *jamīʿ al-faddān al-saqawī*;
– *jamīʿ al-mawḍiʿ ʿayn al-saqawayn* [sic];
– *jamīʿ al-mawḍiʿ al-saqawī*

A similar case occurs in a certificate of judicial confession (*iʿtirāf quḍāʾī*) in which an owner yields half her irrigated estate (*faddān saqawī*) *pro indiviso* with her brother in exchange for the cancellation of a debt with the above mentioned brother (doc. 24).

Last will certificates (waṣiya)

As with the division of *pro indiviso* property, the distribution of property in wills demands a record of all the possessions, and, when farmland is involved, that it be indicated whether the land has water available for irrigation or not.

This information is recorded in these kinds of documents as follows:

- *amlāk saqawiyya* ("irrigated property") in doc. 33, dated 16 Jumādā I 856/4 June 1452;
- *al-māʾ al-maʿlūm lahu* [...] *tasqī minhu* ("the water that belongs to it... with which it [the estate] is irrigated") in the same doc. 33;
- *jamīʿ al-mawḍiʿ al-saqawī* in the same doc. 33 and with the same date;
- *jamīʿ qaṭrat al-arḍ al-saqawiyya* ("the whole of the irrigated parcel of land of the estate/of the parcel of land of the irrigated estate") in doc. 34.

Certificates of record of ownership (tamalluk/ʿaqd tamlīk)

Also known as *ṣiḥḥat tamalluk* ("record of ownership") or *shahādat ṣiḥḥat tamalluk* ("evidence of record of ownership") in technical legal terminology, these kinds of documents contain a common legal process for proving land ownership. The owner can thus prove his right of ownership based on an official certificate and documentary evidence.

Like in others above, water availability or estate classification as irrigated is explicitly recorded in these documents. Again, the formula is *faddān saqawī*, which occurs in docs. 4, 15 and 46.

Certificates of exchange (muʿāwaḍa)

While not as frequent as sales, divisions or wills, documents of certificates of exchange are also found in our corpus. They relate to a variety of farmland, ranging from an estate of arable land for whichever cultivation to a vineyard. Whatever it may be, the quality or availability of irrigation is recorded. The following can therefore be found:

- *qaṭra saqawiyya* ("an irrigated parcel of land") from a *karm* ("vineyard" or "*carmen*") in doc. 11 and
- *faddān saqawī* in doc. 12.

Certificates of lease (kirāʾ/ʿaqd ījār)

The last type of documents to record irrigated estates are, among others, certificates of lease. If the estate has water, it is explicitly recorded in the certificate by the following two formulae mentioned above:

- *jamīʿ al-faddān al-saqawī* in doc. 30 and
- *jamīʿ qaṭrat al-faddān al-saqawī* ("the whole of the parcel of land of the

irrigated estate," unlike the model cited in 4.1., where the adjective *saqawī* was used for *qaṭrat*) in doc. 17.

Irrigation systems and irrigation rights

The water-land link

Irrigated estate ownership is usually linked to the irrigation water contained in it (as in a well or a fountain) or to any incoming water (from a river, a fountain, a well outside the property). Water is therefore linked to the land in transmission of land, both with and without payment (inheritance, donation), or even in the institution of pious foundations (*ḥubus*). The right to irrigation and use of water from fountains, wells, cisterns and other water sources are linked and transmitted with the land. In divisions, the water and the irrigation rights are divided too and are transmitted proportionally to the amount of land of each lot.

While both possessions (land and water) were transmitted together and it was not necessary to make explicit mention that water was transmitted too, the Arabic Naṣrid documents of Granada explicitly point out water transmission and irrigation rights, too. This was necessary, because Islamic law allows a separate treatment of water, that is, water or the irrigation rights of an estate can be sold, rented or yielded separately (without the land).

Thus, in division—as was often the case with inheritances—of an estate with one water source, like a well, fountain, pond, cistern or pool, all the resulting lots hold a right to water use even if the source lies only in one of them. This right was to be safeguarded because, as has been said, irrigation was highly valued and exceptionally influential to the estate value. A fair division therefore had to preserve the irrigation right.

Every lot into which an estate was divided would therefore share the water use for irrigation. Therefore, all the beneficiary parties were obliged towards the maintenance and repair of the water source.

This is distinctly shown in the division certificate recorded in a document of 4 Muḥarram 890/21 January 1485, which is a comparison of the above mentioned certificate of inheritance division (doc. 40). In this division, a vineyard or *carmen* (*karm*) on a farmstead at the edge of, or near, Baza (*ṭawq madīnat Basṭa*) is divided into three parts. A pond (or cistern) built on a flat area (*raḥba*), probably a small open front yard in

view of its proximity to the house of the *carmen*, lies in one of them and is used to irrigate the whole estate. Although the pond lies in one of the three parts, the certificate of division explicitly states that the remaining two parties hold rights to benefit from and use it for irrigation, even if they do not have the right to go into the estate where the pond lies unless allowed to do so by the owner. It also states that the maintenance of the pond, whenever it is needed, will fall to all three parties.

A relevant case concerning the buyer of a vineyard in Aynadamar results from a similar division. The sale certificate states that the buyer also acquires a gallery leading to a well lying in the neighbouring vineyard. This vineyard's owner can use water only for irrigation, while the buyer can use water for whatever he decides besides irrigation (doc. 35, dated 2 Dhū 'l-qaʿda 880/27 February 1476).

A document of 30 ("the last days of") Jumādā I 896/10 April 1491 regarding the sale of a plot of land of a famous vegetable garden owned by the sultan (known as "Iṣām's orchard") also states that the sale includes the amount of irrigation water that belongs to him both by day and by night (doc. 42).

Whenever a plot of land was instituted as *ḥubus* ("inalienable pious foundation"), the water belonging to the transmitted plot of land had to be specified too. Water therefore also became an inalienable pious foundation forever.

Confirmation of this legal treatment can be found in a document (no. 33) containing a will of 16 Jumādā I 856/4 June 1452 in which the testator reserved, out of the third part for free disposition of his inheritance, a number of the irrigation estates lying in the village of Belicena (Balīsāna) for institution as *ḥubus* along with their corresponding irrigation water, and all the above to the benefit of the fortress of Archidona.

This document gives an accurate account of the amount of water and the irrigation rights, as well as of the water source, division method and surplus water: "This is the water from the village of Belicena, in particular one fourth of the total water amount of the village, which is to be used in turns all day on Tuesdays and all night on Wednesdays, every week, in summer and autumn, whenever the land needs irrigation." The surplus water quota is used for irrigation of the remaining testator's estate in the farm.

Some rental agreements for irrigated land similarly demand that the link between land and water be kept. A document on renting an

estate includes the condition that the tenant use the estate's water on the rented estate (doc. 30). With water being of such a high value, this was intended to prevent the tenant from diverting or using the water for other property or for sale or temporary yield to a third party.

Land and water dissociated: Land sale without its water and water exchange

As mentioned above, Islamic law also allowed water to be sold separately from land.

Although this is not very frequent, the documents contain one case in which this situation is stated explicitly. It is the agreement by which Abū Jaʿfar b. Saʿīd al-Ashkar sells Abū Isḥāq Ibrāhīm b. ʿAlī b. Najm an irrigated estate "without the right to irrigation" (*faddān saqwī min dūn sharb*) (doc. 7).

A less extreme case is the one of an estate sold retaining only some water. One document contains a vineyard sale in which the owner sells half the fountain water—the fountain lying in the sold estate—and retains the other half for a different estate, and retains all the Friday night water for her other estate, from the *ʿaṣr* ("afternoon") to Saturday's sunrise (doc. 50).

Also relevant here is the case of water (irrigation quota) sold or exchanged without any accompanying land. This case occurs in an exchange agreement by which water quotas of Acequia Gorda (*al-Sāqiya al-Kubrā*) owned by two people for different days (Thursday and Friday) are exchanged (doc. 41).

Wells and their ḥarīm

A relevant issue concerning water sources, especially in the case of wells (but also of channels and fountains) is that of the *ḥarīm*, the reserved part, or part for preferential use, which covers the surrounding area of a well or water source; this area belongs to the well owner and is for their exclusive use, while new wells cannot be excavated there which might damage the amount or quality of the water of the older well.

Among the documents studied, a *shahādat al-khubarāʾ*, an expert report (doc. 38) stands out, in which qualified witnesses (*ahl al-baṣar wa-ʾl-maʿrifa*) go to a vineyard or *carmen* (*karm*) owned by Muḥammad al-Ṣanāʿ, whose well lies in an adjoining, higher vineyard. The owner of the latter, al-Basṭī, only holds irrigation rights with regard to the well (that is, he is

not the owner or holds right for other uses), but has dug up a gallery for water collection and deepened the well, so the water does not reach the first gallery and the lower vineyard is left without water supply. The experts state that the owner of the latter vineyard, al-Basṭī, must fill the well which he deepened, and leave it as it was originally.

This document shows the possibility of selling water and land separately, as mentioned above, because the well lies in a different estate.

By a most interesting and exceptional chance, a later document is preserved in which the above parties raise a similar issue which might result from the one described above. Barely four years after the former document, the owner of the first vineyard, Muḥammad al-Ṣanāʿ, requested and bought from al-Basṭī a piece of land for digging a gallery in order to collect more water on the lower part of his well, below al-Basṭī's *carmen* (doc. 39).

Obligations

As to the *ḥarīm* and due obligations, it is also worth mentioning the independence of water elements for land transmission, if the estate where they lie does not hold the property right of the water element in question.

This holds true in the documents studied here, as in the case of a certificate of exchange of two estates (doc. 8). The exchange agreement (*muʿāwaḍa*) is between a Muslim, called Aḥmad b. Muḥammad Ḥaja and a Christian by the name of Pedro de Andújar. They exchange a vineyard or young vineyard (*ghars*)[10] owned by the Christian for an estate (*faddān*) owned by the Muslim in which a drinking trough (*masqā*) lies which belongs to a third person called al-Ghāzī. The Christian, who receives the estate, is aware of the existence of the trough and accepts the obligations (*wa-qad ʿalima al-naṣrānī anna ʿalayhi masqā li-ʾl-Ghāzī*). The notary must record the fact that the new estate owner is aware of the existence of the trough and accepts it, because unawareness of this obligation before the transaction could qualify as a redhibitory defect (i.e. sufficient reason to nullify the exchange).

[10] In this case *ghars* meaning vineyard, according to Corriente 1988: 195; Pezzi 1989: 657; Corriente 1997: 376.

Pious foundations (ḥubus) *for the benefit of wells, fountains and other water sources*

The importance of fountains and wells in Arab-Islamic civilization turned these elements into highly valued public institutions for the general benefit. They were therefore the object of donations and pious foundations for their maintenance. The documents studied thus show that some wills order that a part of the possessions be contributed for the institution of a pious foundation for the benefit of a well. This is the case of an irrigated plot of land in an estate (*jamīʿ qaṭrat al-arḍ al-saqawiyya*), which is founded as *ḥubus* for the benefit of a *rābiṭa* ("small hermitage") of the village of Belicena and of the neighbouring well (doc. 34).

Water as boundary: property delimited by water elements

Another water-related issue which occurs frequently in documents is the use of water elements as delimitation and boundaries for an estate which is the object of notarial deeds. Water elements are unequivocal, appropriate references for setting the limits in relation to the four cardinal points. This holds for a variety of elements, the most frequent of which is the *sāqiya* ("irrigation ditch"), others being *manbaʿ* ("waterspring"), *khandaq* ("ravine"), *majrā* ("drainage ditch"), *masqā* ("drinking trough") or *wādī* ("river"). As a rule, they delimit an irrigated estate (*faddān saqawī*), but they occur as the boundaries of unirrigated estates, vineyards, or of a parcel of an estate or vineyard, too. As mentioned above, the most frequent element is *al-sāqiya*, the irrigation ditch, which is used as a reference for a variety of estates, usually irrigated ones (*faddān saqawī*) in documents 4, 6, 13, 18, 46 and 47.

The *sāqiya* ("irrigation ditch") is used for delimiting a different type of property too, like:

- an irrigated plot of land (*qaṭrat al-faddān saqawiyya*) in doc. 9
- a portion of land (*qurʿa*) in doc. 43
- a vineyard or *carmen* (*karm*) in doc. 32

It is also used for delimiting two irrigated estates (*al-faddānayn al-saqawiyyayn*) in doc. 48 and, curiously, it can even delimit an unirrigated estate recorded just as *faddān*[11] as in the docs. 28, 29 and 37.

[11] While it is not explicitly referred to as unirrigated, it is assumed to be so, because

Besides irrigation ditches, other water elements serving as boundaries are:

- *al-manbaʿ*, "the waterspring," delimits a *faddān saqawī* in doc. 32.
- *al-khandaq*, "the ravine," delimits an irrigated *faddān* (the certificate marks it as irrigated at the beginning) in doc. 33, but also an unirrigated *faddān* in doc. 32.
- *al-majrā*, "the drainage ditch," delimits a vineyard (*karm*) in doc. 32.
- *al-majarr*, "torrent" or "seasonal watercourse" (cf. Dozy 1881: I, 180; Corriente 1988: 32; Alcalá 1989: 563) in docs. 22 and 29.
- *Masqā*, "drinking trough," delimits a parcel of land of a vineyard (*qaṭrat al-karm*) as in doc. 32. It also delimits an estate (apparently, an unirrigated one, *faddān*) as in doc. 28.
- *al-wādī*, "the river," delimits a *faddān saqawī* in doc. 16. It also delimits an estate (apparently, an unirrigated one: *faddān*) in doc. 28.
- *wādī* Bīnatar, "river Binatar," delimits a *faddān* as in doc. 49.

Although rather peripheral to this paper, it is finally worth mentioning for comparison that water in towns was a determining factor for urban planning[12] and was used as a boundary, too. Thus, a house (*jamīʿ al-dār*) is delimited on the east by the channel (*sharqī-hā al-q.naʾ*, *sic* for *qanaᵗ*, or *qināʾ* "the channels") in a document for inheritance division (no. 32). An exchange document also identifies one of the parties, the Christian Pedro de Andújar, as living near a bath (*ḥammām*) (no. 8). Several sales agreements for houses and vegetable gardens (*janna*) delimit the property by a bath and an irrigation ditch (doc. 44).

irrigated estates are always recorded as having water availability. By contrast, the qualification of not being irrigated occurs only sometimes, as in doc. 23. Common practice does not specify water unavailability or unirrigated land, as in doc. 27. This is so even if the boundaries comprehend water elements, like a *masqà* or drinking trough for animals, and an irrigation ditch or a river, which apparently do not irrigate the property in question (doc. 28). Clear evidence if this is the occurrence of estates recorded as irrigated, and others left unspecified in one and the same document. The latter must no doubt lack water availability and be unirrigated, as was most of the farming property (doc. 31). By contrast, *karm* ("vineyard" or "*carmen*") is left unspecified as to availability of water irrigation, even if the water rights and facilities are usually recorded (doc. 35).

[12] See Vidal 2001.

Water-related toponyms

Just as water elements are used for estate delimitation, they are also used for naming the areas.

Thus, we can find:

- Manhal Nublu(h), "watering place of the cloud" in doc. 32 (occurring in other sources as Qaryat Nubluh and Dār Nubluh);
- al-Khandaq al-Kabīr, "the great ravine" in doc. 33;
- al-Khandaq al-ʿAmīq, "the deep ravine" in doc. 32;
- Khandaq al-Shajara, "ravine of the figtree" in doc. 20;
- Khandaq al-Ghadīr, "ravine of the pond" in doc. 26;
- al-Wādī al-Malīḥ, "river Malīḥ" in doc. 22;
- Wādī Ashkarūja, "river Asquerosa" in doc. 28;
- ʿAyn al-Damʿ, "fountain of the tears" or Aynadamar as it occurs in docs. 10, 14 and 19.

Conclusions

Since this paper is based on a limited number of documents, its conclusions are necessarily partial and provisional until the remaining documents in other collections are studied too, for example those in the collection of the cathedral, of the municipal archive of Granada[13] or other sources translated from Arabic into Romance Spanish, like the one on water lawsuits.[14] However, several conclusions can be listed based on the evidence of the treatment and occurrence of water in the documents studied thus far.

First, the occurrence of water in the corpus of Arabic Naṣrid documents selected shows the process of the application of Islamic law and its adaptation to the society and economy in which they were produced, namely the Naṣrid kingdom of Granada.

Additionally, the cases recorded in the documents on lawsuits over water management, irrigation rights, water linked to land, farming facilities or ownership, and property transmission all reveal a crucial fact: the function of documents as a system for establishing and controlling water rights. Further, water appears as a regulating element for property itself, land use and land value.

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[13] Molina 1993; Molina & Jiménez 2004.
[14] Álvarez de Morales 2001.

Water also has a considerable influence on: 1) property transmission with payment (sale, exchange) or without (inheritance, donation), 2) property division and 3) property leasing.

While water and property are usually linked in estate sales and transmissions, water is so important in itself that it becomes independent of the land which it irrigates. Thus, there are wells, troughs or collecting galleries, the ownership of which can be retained even if they lie in other people's estates who, in turn, are not allowed to use the water and are subject to the due obligations.

Appendix I

This appendix is the edition and translation of an unpublished Arabic document kept in the Fondo Antiguo of the University Library of Granada. The Arabic text is on the obverse, and the quotation '32. Luque' is overleaf. This is on the obverse in many other Arabic Naṣrid documents of the fifteenth century along with two modern catalogue notation figures, probably by L. Seco de Lucena.

Concerning their documentary typology and contents, it is a certificate of ownership certifying the Christian Ighrāsiya Hirnandis' (Gracia Hernández) ownership of an irrigated estate which she bought from the Muslim Mufarrij.

It is probably just one case of many after Granada was taken by the Christians in 1492 in which Muslims sold their property to the Christians before migrating. The new Christian owners then supplied evidence of their ownership in fear of, or due to, property lawsuits, and turned to Muslim notaries for the notarial certificates required by Islamic law, of which this document is an example.

Caja C 27 (16) R. 32965. Paper: 21.5 × 15 cm. Box: 7 × 11.5 cm. Certificate of ownership/evidence of record of ownership. See Seco de Lucena 1970: no. 84 and Zomeño 2001b: 279. 29 Rabīʿ II 900/27 January 1495 (see Plate 1).

Text

الحمد لله
ممن يعلم صحة تملك الفدان السقوي الكائن بشميل ارملة خارج غرناطة قبليه الحطاب وجوفيه ابو الفتح وشرقيه احباس وغربيه ساقية بحقوقه وحرمه وكافة منافعه ومرافقه للنصرانية اغراسية هرنندس وانه صار لها بالشراء الصحيح على يدي زوجها[15] النصراني غنطاله ذي قرطبة من الحاج مفرج معتق الحاج النوالي يعلم ذلك شهودا بمباشرة رسم التبايع بينهما ومن علم ما ذكر قيد على ذلك شهادته في التاسع والعشرين لشهر ربيع الاخر عام تسعمائة
(توقيعات غير مقروءة)

Translation

Allah be praised.

Those who know the legal ownership of the irrigation estate lying in Shamīl Armilla on the outskirts of Granada, whose southern boundary is (the property of) al-Ḥaṭṭāb, whose northern boundary is (the property of) Abū 'l-Fatḥ, whose eastern boundary is that belonging to pious foundations and whose western boundary is an irrigation ditch, with all its rights and obligations and all its uses and benefits, (testify to) its ownership by Christian Gracia Hernández and to her gaining possession of it by valid purchase by way of her Christian husband Gonzalo de Córdoba from al-Ḥajj Mufarrij, a freedman of al-Ḥājj al-Nawwālī. (Those who hereby issue the present official certificate) know it all as official witnesses to the notarial deed for the sale between the two (aforementioned parties, Gracia Fernández and Mufarrij). Those who know what has been mentioned bear witness to it accordingly. The twenty-ninth day of the month Rabīʿ II of year 900 (= 27 January 1495).

(Illegible flourished signatures.)

[15] I would like to thank Amalia Zomeño for her help and wise advice on the interpretation of these two words, as well as for helping me to access the image of the original document. Any mistakes in the edition and interpretation of the text are my sole responsibility.

Appendix II[16]

1. Aguirre 1980, 10 Shaʿbān 899/16 May 1494.
2. Caja C 27 (8) R. 32957, 9 Shaʿbān 890/21 August 1485 (Seco de Lucena 1970: no. 68, Zomeño 2001b).
3. Caja C 27 (10) R. 32959, early Jumādā I 897/early March 1492 (Seco de Lucena 1970: no. 77, Zomeño 2001b).
4. Caja C 27 (16) R. 32965, 29 Rabīʿ II 900/27 January 1495 (Seco de Lucena 1970: no. 84, Zomeño 2001b).
5. Caja C 27 (18) R. 32967b, 29 Shaʿbān 897/26 June 1492 (Seco de Lucena 1970: no. 78, Zomeño 2001b).
6. Caja C 27 (21) R. 32970, 22 Dhū 'l-qaʿda 860/22 October 1456 (Seco de Lucena 1970: no. 36, Zomeño 2001b).
7. Caja C 27 (23) R. 32972, 28 Dhū 'l-ḥijja 857/30 December 1453 (Seco de Lucena 1970: no. 31, Zomeño 2001b).
8. Caja C 27 (32) R. 32981, 16 Luque, 23 Rajab 901/7 April 1496 (Seco de Lucena 1970: no. 88, Zomeño 2001b).
9. Caja C 27 (34) R. 32983, 2 Rabīʿ I 898/22 December 1492 (Seco de Lucena 1970: no. 79, Zomeño 2001b).
10. Caja C 27 (37) R. 32986, 9 Rajab 888/13 August 1483 (Seco de Lucena 1970: no. 65, Zomeño 2001b).
11. Caja C 27 (57) R. 33006, 24 Rabīʿ II 858/23 April 1454 (Seco de Lucena 1970: no. 33, Zomeño 2001b).
12. Caja C 27 (69) R. 33018, 13 Rabīʿ II 877/17 September 1472 (Seco de Lucena 1970: no. 43, Zomeño 2001b).
13. Caja C 27 (71) R. 33020a, 14 Rabīʿ II 874/21 October 1469 (Seco de Lucena 1970: no. 42, Zomeño 2001b).
14. Caja C 27 (72) R. 33021, 19 Dhū 'l-Ḥijja 894/13 November 1489 (Seco de Lucena 1970: no. 48, Zomeño 2001b).
15. Caja C 27 (74) R. 33023, 29 ("last days of") Shaʿbān 890/10 September 1485 (edited in Seco de Lucena 1969: no. 4, see also Seco de Lucena 1970: no. 69, Zomeño 2001b).
16. Caja C 27 (78) R. 33027, 16 Dhū 'l-Ḥijja 887/26 January 1483 (Seco de Lucena 1970: no. 61, Zomeño 2001b).

[16] In this appendix I will provide the reader with all the references to find the documents in the University Library of Granada. The indication "caja," Spanish for "box," is retained in this appendix. Seco de Lucena 1961 refers to his edition and translation of the documents, and Seco de Lucena 1970 and Zomeño 2001b refer to their catalogue entries. As for Aguirre 1980, it refers to his edition and translation of doc. no. 1.

17. Caja C 27 (80) R. 33029, 11 Jumādā II 884/30 August 1479 (Seco de Lucena 1970: no. 54, Zomeño 2001b).
18. Caja C 27 (90) R. 33039, 21 Jumādā I 843/30 October 1439 (Seco de Lucena 1970: no. 18, Zomeño 2001b).
19. Caja C 27 (91) R. 33040–I, 2 Dhū 'l-Ḥijja 854/6 January 1451 (Seco de Lucena 1970: no. 27, Zomeño 2001b).
20. Caja C 69 (5–14), 2 Muḥarram 837/19 August 1433 (Seco de Lucena 1961: no. 3, Zomeño 2001b).
21. Caja C 69 (5–15) 189 Luque, 15 Jumādā II 855/15 July 1451 (Seco de Lucena 1961: no. 8, Zomeño 2001b).
22. Caja C 69 (5–19), 21 Dhū 'l-qaʿda 865/28 August 1461 (Seco de Lucena 1961: no. 17, Zomeño 2001b).
23. Caja C 69 (5–20), 15 Rabīʿ I 867/8 December 1462 (Seco de Lucena 1961: no. 18, Zomeño 2001b).
24. Caja C 69 (5–21), 23 Rabīʿ I 869/23 November 1464 (Seco de Lucena 1961: no. 19f, Zomeño 2001b).
25. Caja C 69 (5–22), 17 Ramaḍān 868/24 May 1464 (Seco de Lucena 1961: no. 20, Zomeño 2001b).
26. Caja C 69 (5–25), 22 Jumādā I 872/18 December 1467 (Seco de Lucena 1961: no. 23).
27. Caja C 69 (5–26), 27 Muḥarram 873/17 August 1468 (Seco de Lucena 1961: no. 24, Zomeño 2001b).
28. Caja C 69 (5–28), 8 Dhū 'l-qaʿda 876/17 April 1472 (Seco de Lucena 1961: no. 29, Zomeño 2001b).
29. Caja C 69 (5–30), 29 Dhū 'l-ḥijja 880/24 April 1476 (Seco de Lucena 1961: no. 33a, Zomeño 2001b).
30. Caja C 69 (5–32), first ten days of Dhū 'l-qaʿda 884/14 to 23 January 1480 (Seco de Lucena 1961: no. 38, Zomeño 2001b).
31. Caja C 69 (5–36), 2 Muḥarram 887/21 February 1482 (Seco de Lucena 1961: no. 43, Zomeño 2001b).
32. Caja C 69 (5–38), 15 Shawwāl 888/16 November 1483 (Seco de Lucena 1961: no. 47a, Zomeño 2001b).
33. Seco de Lucena 1961: no. 7b, 16 Jumādā I 856/4 June 1452 and 16 Jumādā I 856/4 June 1452.
34. Seco de Lucena 1961: no. 7c, 29 ("last days of") Jumādā II 856/17 July 1452.
35. Seco de Lucena 1961: no. 32a, 2 Dhū 'l-qaʿda 880/27 February 1476.
36. Seco de Lucena 1961: no. 34, 2 Jumādā I 881/23 August 1476.
37. Seco de Lucena 1961: no. 35, 7 Ramaḍān 881/24 December 1476.

38. Seco de Lucena 1961: no. 37, 10 Dhū ’l-qaʿda 884/23 January 1480.
39. Seco de Lucena 1961: no. 46, 10 Shaʿbān 888/13 September 1483.
40. Seco de Lucena 1961: no. 49, 4 Muḥarram 890/21 January 1485.
41. Seco de Lucena 1961: no. 52, 24 Rajab 890/6 August 1485.
42. Seco de Lucena 1961: no. 65b, 30 (“last days of”) Jumādā I 896/10 April 1491.
43. Seco de Lucena 1961: no. 80a, 7 Jumādā I 897/7 March 1492.
44. Seco de Lucena 1961: no. 81a, 9 Jumādā II 897/8 April 1492.
45. Seco de Lucena 1961: no. 81b, 23 Jumādā II 897/22 April 1492.
46. Seco de Lucena 1961: no. 83, 13 Dhū ’l-ḥijja 897/6 October 1492.
47. Seco de Lucena 1961: no. 86, 9 Rabīʿ II 898/28 January 1493.
48. Seco de Lucena 1961: no. 88, 23 Rabīʿ I 899/31 January 1494.
49. Seco de Lucena 1961: no. 89, 14 Jumādā II 899/22 March 1494.
50. Seco de Lucena 1961: no. 91, 10 Rabīʿ I 900/9 December 1494.

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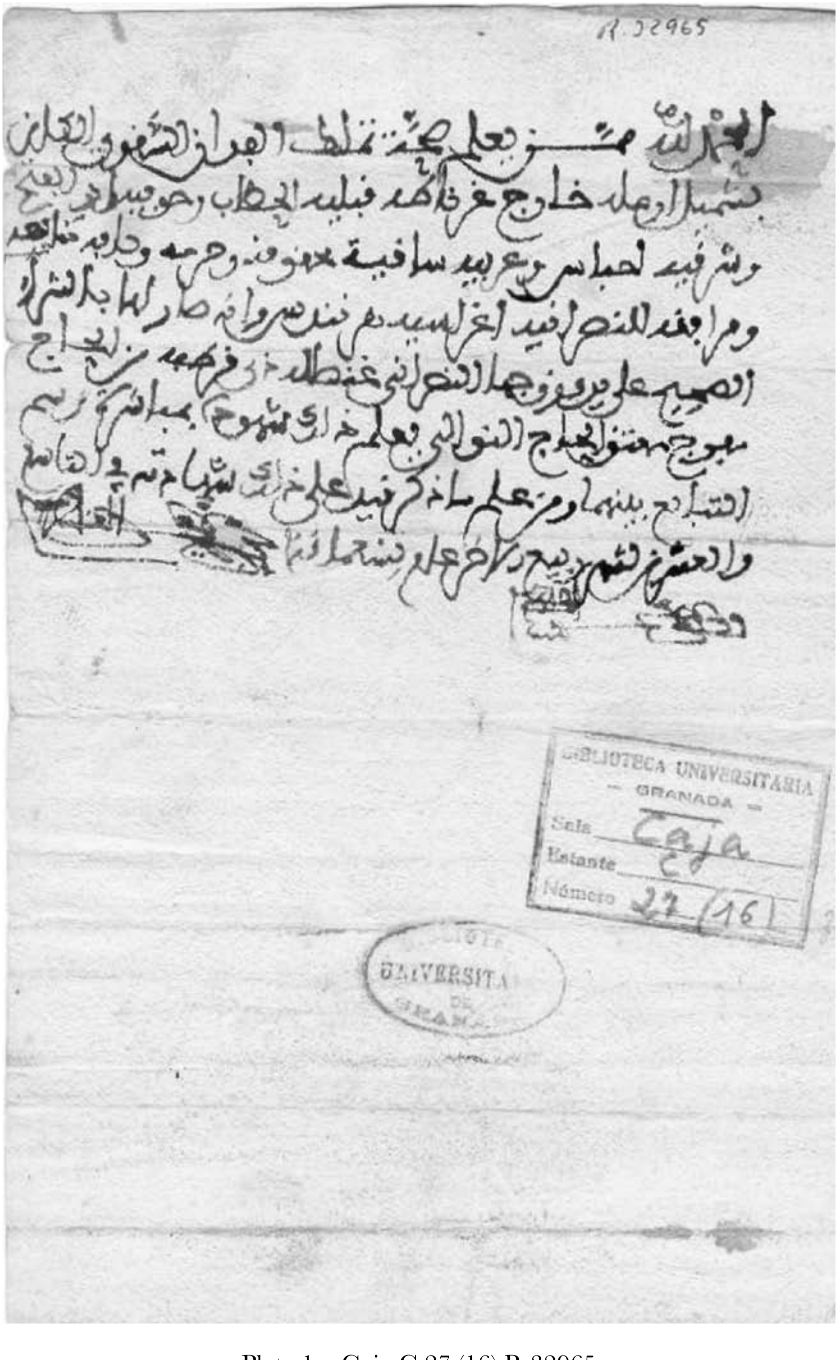


Plate 1 Caja C 27 (16) R.32965

NOTARIES AND THEIR FORMULAS: THE LEGACIES FROM THE UNIVERSITY LIBRARY OF GRANADA[1]

Amalia Zomeño

The archives of Granada preserve an important number of Arabic documents written on paper and most of which are datable to the last quarter of the fifteenth century.[2] It is still not clear why in Granada, and not in other parts of al-Andalus, so many Arabic documents are preserved. My main hypothesis is that the Christians kept them after the conquest of Granada by the Catholic Monarchs in 1492 because they were proof of the ownership of the new lands that they were acquiring.[3]

The larger and most accessible collection is the one preserved in the Fondo Antiguo of the University Library of Granada (Biblioteca Universitaria de Granada = BUG).[4] This collection preserves 160 Arabic documents among which there are an important number of transfers of real estate property, both in the rural and urban context. In fact, the majority of the legal issues are sale contracts (*bayʿ*) (52 documents), partitions of inheritance (*qisma*) (20 documents) and legacies (*waṣiya*) (13 documents). Both the sales and the partitions of inheritance were already edited and well studied by L. Seco de Lucena in the *Introducción* of his main work.[5] However, the number of legacies that he edited was smaller[6] and therefore, his study of this legal subject is still limited.

Therefore, the main aim of this paper is to provide an edition and translation of three of these unpublished legacies. My intention is to

[1] I would like to thank Ángel Ocón Pérez de Óbanos for granting me access to the Arabic documents from the Fondo Antiguo in the University Library of Granada. This work is part of the research project directed by C. Álvarez de Morales and financed by the Ministerio de Ciencia y Tecnología (Spain).

[2] For the collection of Arabic documents in the Cathedral Archive, see Molina López 1993. On the collection in the Municipal Archive, see Molina López & Jiménez Mata 2004.

[3] On this discussion, see Chamberlain 1994 and Fierro 2001.

[4] On this collection, see Seco de Lucena 1970 and Zomeño 2001.

[5] See Seco de Lucena 1961: XI–XIX and XXX–XXXVII.

[6] He only edited four legacies, see Seco de Lucena 1961: nos. 7 (with two legacies), 50 and 87. Only no. 87 is found in the BUG, while I still have not seen the originals of the other three.

study the formulas used by the notary, both comparing them with notarial manuals, which suggest the wording to be used in such documents, and with other unpublished legacies of the collection.[7] This kind of study helps in our understanding of the work of the notaries in fifteenth century Granada as well as the application of Islamic law in the transmission of private property.

On the notaries of Granada in the fifteenth century

If we take into account the words of Ibn al-Khaṭīb (d. 776/1375), we have to conclude that the notaries in the Naṣrid Kingdom of Granada did not have a good reputation.[8] They had two judicial functions: the writing of documents (*iktitāb* or *kitāba*) and witnessing (*shahāda*). Therefore, they were not only the writers or scribes of the documents, but also witnesses for the correct fulfilling of the legal transactions reflected in them. The *kitāba* function was fulfilled in the markets, where the notaries had shops and provided the service of drafting private contracts.[9] The main criticism levelled by Ibn al-Khaṭīb against the notaries was that they did not clearly separate the two functions, and it was not always very clear for which one they were asking to be paid,[10] as we should always keep in mind that Islamic law forbids being paid for being a witness.

The documents that I present here are products of these notaries' daily work. Apart from being eager to receive a good salary, according to Ibn al-Khaṭīb, they were highly specialized jurists trained to write down the transactions according to the principles and rules of Islamic law.[11] In this sense, their job was to make sure that these transactions were legally valid. Apart from the documents they produced, the most important sources for studying the work of the notaries are their own manuals. These manuals were especially well developed in al-Andalus[12] and were used also in the Naṣrid period. By the end of the fifteenth century, the

[7] I am currently finishing an edition of all the legacies of the BUG.
[8] See Turki 1969.
[9] See Calero Secall 2000: 401–3. On the notaries in Granada, see also Turki 1969, Arié 1973 and Cano Ávila 1992.
[10] See Turki 1969.
[11] See Hallaq 1995.
[12] The edited model *shurūṭ* works from al-Andalus are Ibn al-ʿAṭṭār (d. 399/1008), *Formulario notarial hispano-árabe*, Ibn Mughīth (d. 459/1067), *Al-Muqniʿ fī ʿilm al-shurūṭ*, al-Gharnāṭī (d. 579/1183), *Al-Wathāʾiq al-mukhtaṣara* and al-Jazīrī (d. 585/1189), *Al-Maqṣad al-maḥmūd fī talkhīṣ al-ʿuqūd*.

manual written by the Granadan Ibn Salmūn (d. 767/1365)[13] might have been commonly used. The manuals include the best model to be used for each kind of transaction and, therefore, the writer of the documents just needed to follow such a model and fill in the blanks.

The three documents edited below were written by the same notary. They all contain the bequests of ʿĀʾisha bt. Abī ʿAbd Allāh Muḥammad al-Jinjālī. They were dated the very same day, the 29th of Shaʿbān 841 /25th February 1438. The notary may have visited ʿĀʾisha when she was in her house, prostrated in her bed, as the documents say, for writing down her last will. He might have written them consecutively. The script and the signatures are also the same.

On the other hand, the notary did not use any diacritics, except in the words *ʿayyanathu* and *waṣiya* and also for writing the *shīn*. Consistently, the notary does not use the prolongation of the *fatḥa* when writing *raḥmān, Ibrāhīm, dīnār, taʿālā* and *Shaʿbān*.[14] In the three documents the notary uses a calligraphic extension for writing the *tāʾ* in *ʿahidat, awṣat* and also for the *yāʾ* in *yakhruj* and he wrote the last part of the *taṣliya* above the line. In addition, the three documents share the same layout and margins and were written on the same kind of paper,[15] although this can also be said of other documents of the collection.

The notary who wrote the three legacies followed the manual of Ibn Salmūn. The structure of all the documents is similar and clearly follows the recommendations on how to write a legacy. However, even if the meaning of the formulae used is the same in all three documents, the notary did not always use the same wording, not even in the stereotyped parts of the text where there was no necessity for a change, as I will show.

The most notable difference between the three documents analyzed here and other legacies of the collection, however, is the fact that the notary writes three documents instead of collecting the three bequests of ʿĀʾisha into a single document, as happens in other cases.

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[13] See Ibn Salmūn (d. 767/1365), *Kitāb al-ʿIqd*.

[14] I do not note these in the edition.

[15] On the production of paper in Granada, see Álvarez de Morales & González García 1999.

The three legacies of ʿĀʾisha

Document no. 1. BUG R. 32975 Caja C 27 (26).
Paper: 16.0 × 10.8 cm. Box: 10.5 × 8.5 cm. Legacy. See Seco de Lucena 1970: no. 15. 29 Shaʿbān 841 / 25 February 1438. Plate 2

Text

|1 بسم اللّٰه الرحمن الرحيم صلى اللّٰه على سيدنا محمد وآله وصحبه وسلم تسليما[16]
|2 عهدت عائشة ابنة الشيخ الأبيّ المرحوم أبي عبد اللّٰه محمد |3 الجنجالي[17] وأوصت أنها
متى حدث بها الموت الذي |4 لا بد منه ولا محيص لمخلوق حيّ عنه فيخرج من ثلث |5
متخلفها الأصل وغيره زيادة لما عينته[18] في غير هذا يوم تاريخه |6 خمسة دنانير من الذهب
بالصرف المعتاد ويدفع لأم الفتح ابنة محمد |7 فرج[19] تكون مالها ومتاعها وعلى سنة الوصية
المراد بها وجه اللّٰه |8 عهدا صحيحا عرفت قدره وأشهدت بذلك على نفسها من عرفها |9
وهي بحال مرض ملتزمة فراش[20] في صحة من عقلها وثبات من ذهنها |10 وميزها جائزة الأمر
وفي التاسع والعشرين لشهر شعبان المكرم |11 من عام أحد وأربعين وثماني مائة.
عرف اللّٰه حقه.

(Two illegible signatures)

Translation

In the name of God, the Merciful, the Compassionate.

May God bless and grant salvation to our lord Muḥammad, his family and his companions.

ʿĀʾisha, the daughter of the late proud master Abū ʿAbd Allāh Muḥammad al-Jinjālī, makes a testament and expresses her will that when death will come on her, against which there is no remedy nor any secure refuge for any living creature, that there should be extracted from the third of her estate, whether real estate properties or other kind and in addition to what she already assigned in another document with the same date, five gold *dīnārs* at the common rate to be paid to Umm al-Fatḥ, the daughter of Muḥammad Faraj, so she will enjoy them in

[16] Everything from وآله on is written above the rest of the line.

[17] Without diacritics; my reading is based on document no. 2 (l. 3), which includes them.

[18] In the text: عينتته.

[19] This can also be read as فريج.

[20] I would like to thank A. Hanafi and J. Abu Safieh for their help in reading this part of the document.

full domain. This legacy was written down in accordance with the legal principles that regulate the legacies and it was done with the intention to please God. This is a valid testament and she (the testator) knows its legal implications. She also called witnesses to testify that they know her and that, while she is sick and prostrated in her bed, she is sane and stable in her intellect and discernment. The document is legally valid.

The 29th of the venerable month of Shaʿbān of the year 841 (25 February 1438).

God knows the authenticity of this document.

Document no. 2. BUG R. 32976. Caja C 27 (27).
Paper: 16.2 × 11.5 cm. Box: 11.5 × 9.0 cm. Legacy. See Seco de Lucena 1970: no. 13. 29 Shaʿbān 841 / 25 February 1438. Plate 3

Text

|1 بسم الله الرحمن الرحيم صلى الله على سيدنا محمد وعلى آله وصحبه وسلم تسليما[21]
|2 عهدت المباركة عائشة ابْنة الشَيْخ الأفضل الأبيّ |3 أبي عبْد الله محمد الجنجالي وهي التي
كانت زوجًا للفارس إبراهيم |4 الثاني وأوصت أنها إذا ماتت فيخرج من ثلث متخلفها |5 الأصل
وسواه زيادة لما عهدت به يوم تاريخه في غيره عشرون |6 دينارًا من الذهب بالصرف المعتاد
وتوضع في تجهيز أربع بنات |7 أبكار من يتامى المسلمين للضعفاء سوية بينهن وعلى سنة الوصية
|8 المراد بها وجه الله تعالى وكريم ثوابه وجعلت النظر في استخلاص ذلك |9 من متروكها
ووَضع ما عينته لكل واحدة من البنات للفقيه الخطيب |10 الذي يكون بأخشارش كائنا من
كان عهدًا صحيحًا عرفت قدره |11 وأشهدت بذلك من عرفها وهي بحال مرض ملتزمة فراش
في صحة من عقلها |12 وثبات من ذهنها وميزها جائزة الأمر في ذلك وفي التاسع والعشرين
|13 لشهر شعبان المكرم من عام أحد وأربعين وثماني مائة.
عرف الله حقه.

(Two illegible signatures)

Translation

In the name of God, the Merciful, the Compassionate.

May God bless and grant salvation to our lord Muḥammad, his family and his companions.

[21] Everything from وآله on is written above the rest of the line.

The blessed ʿĀʾisha, the daughter of the venerable and proud master Abū ʿAbd Allāh Muḥammad al-Jinjālī, she is the one who was the wife of the knight Ibrāhīm al-Thānī, makes a testament and expresses her will that when she dies, there should be extracted from the third of her estate, whether real estate properties or other kind and in addition to what she already bequeathed in the same day in another document, twenty gold *dīnār*s of the common rate to be distributed for the trousseau of four virgin daughters of the orphans among the poor Muslims and giving to each of them an equal amount. This legacy was written down in accordance with the legal principles that regulate the legacies and it was done with the intention to please God, exalted, who is generous in his rewards. She assigned the supervision for the execution of this legacy and the distribution of what she specified for each of the girls, to the legal scholar and preacher of the Akhshārish, whoever may be fulfilling this job (at the moment of her death). This is a valid testament and she knows its legal implications. She called witnesses to testify that they know her and that while she is sick and prostrated in her bed, she is sane and stable in her intellect and discernment, and therefore the document is legally valid.

The 29th of the venerable month of Shaʿbān of the year 841 (25 February 1438).

God knows the authenticity of this document.

Document no. 3. BUG R. 32993 Caja C 27 (44).
Paper: 16.0 × 11.4 cm. Box: 10.5 × 8.5 cm. Legacy. See Seco de Lucena 1970: no. 14. 29 Shaʿbān 841 / 25 February 1438. Plate 4

Text

|1 بسم الله الرحمن الرحيم صلى الله على سيدنا محمد وآله وصحبه وسلم تسليما[22]
|2 عهدت المباركة عائشة ابنة الشيخ الأبي |3 الأفضل أبي عبد اللّٰه محمد الجنجالي[23] وأوصت أنها متى قضى اللّٰه |4 بوفاتها فيخرج من ثلث متخلفها الأصل وغيره |5 زيادة لما عينته يوم تأريخه

[22] Everything from وآله on is written above the rest of the line.
[23] Without diacritics; my reading is based on document no. 2 (l. 3), which includes them.

في غير هذا خمسة دنانير من |6 الذهب بالصرف المعتاد ويدفع لعائشة ابنة عبد الله |7 ابن زيد تكون مالها ومتاعها وعلى سنة الوصية |8 المراد بها وجه الله تعالى عهدا صحيحا عرفت قدره وأشهدت |9 بذلك على نفسها من عرفها وهي بحال مرض ملتزمة فراش صحيحة |10 العقل ثابتة الذهن وتمييز جائزة الأمر وفي التاسع والعشرين |11 لشهر شعبان المكرم من عام أحد وأربعين وثماني مائة.

عرف الله حقه.

|12 فيه مصلحا عينته صحيح به.

(Two illegible signatures)

Translation

In the name of God, the Merciful, the Compassionate.

May God bless and grant salvation to our lord Muḥammad, his family and his companions.

The blessed ʿĀʾisha, the daughter of the proud and venerable master Abū ʿAbd Allāh Muḥammad al-Jinjālī, makes a testament and expresses her will that when God has decided on her death, that there should be extracted from the third of her estate, whether real estate properties or other kind, and in addition to what she already assigned the day of this document, but in another one, five gold *dīnār*s at the common rate to be paid to ʿĀʾisha, the daughter of ʿAbd Allāh b. Zayd, so she will enjoy them in full domain. This legacy was written down in accordance with the legal principles that regulate the legacies and it was done with the intention to please God, exalted. This is a valid testament and she knows its legal implications. She has called witnesses to testify that they know her and that while she is sick and prostrated in her bed, she is sane, and stable in her mind and discernment. The document is legally valid.

The 29th of the venerable month of Shaʿbān of the year 841 (25 February 1438).

God knows the authenticity of this document.

In the text there is an amendment in the word 'assigned,' which is valid.

The wording of the legacies

Introductory Formula

The three documents start with the *basmala* followed by the *taṣliya*. No. 2 varies slightly in wording, although it does not imply any different meaning.

The three legacies of ʿĀʾisha begin as stipulated in the manual of Ibn Salmūn: "*fulān* makes a testament and expresses his will that."[24] Instead of this *fulān* of the models, the notary wrote the name of the testator, ʿĀʾisha in this case, although in each of the three documents he writes her name and identifies her in a very different way and therefore provides us with more information about her. Only no. 2 indicates that she was a widow and in no. 1 he wrote that her father had already died (*ibnat al-shaykh al-abī al-marḥūm*). On the other hand, only two of them qualify her as "the blessed" (*al-mubāraka*), and only in one of them is her father referred to as master (*shaykh*), proud (*abī*) and preferred (*afḍal*) while also referring to her husband as knight (*fāris*).

These epithets preceding the proper names of the testators[25] are very frequent in the documents of the collection and also in the legacies, where we can find young (*ṣubiyya*), old woman (*ʿajūz*) or noble (*mukarram*).

Two other legacies of the collection include a longer formula: "*fulān* makes a testament and declares the unity of Allāh and the prophetic mission of His messenger Muḥammad, God bless him and grant him salvation."[26]

At the moment of death

Certain formulas in the documents are usually very stereotyped and do not need to change because they are not meant to reflect any different reality in the intention of the legator. In other words, the notaries just have to follow blindly the models in their manuals. This is the case in the next part of the legacies, when the notaries just have to mention that the contract can only be deemed legally relevant after the death of the tes-

[24] Ibn Salmūn, *Kitāb al-ʿIqd*: 159.

[25] Islamic law is not very restrictive concerning who is able to dictate a testament. On the contrary, even minors, the handicapped and non-Muslims are entitled to do so, see Ibn ʿĀṣim, *La Tohfat*: 737.

[26] With the formulae: *Wa-hiya tushahid li-ʾl-llāh bi-ʾl-waḥdaniyya wa-li-nabīhi ṣallā Allāh ʿalayhi wa-sallama bi-ʾl-risāla*, see docs. 6 or 9.

tator. In the three documents of ʿĀʾisha, however, the notary introduced some changes in style in this part. In no. 1 he uses a common formula which corresponds exactly to the one suggested by Ibn Salmūn: "when death will come on him, against which there is neither remedy nor any secure refuge for any living creature."[27] No. 2 is more simple: "when she dies." And in no. 3 the notary declares the will of God: "when God has decided on her death." The rest of the legacies include the first of the formulas (as in no. 1), which is the most commonly used, although introducing small changes, as *nazala* instead of *ḥadatha* or *maḥīd* instead of *maḥīṣ*, and shortening the formula.

Distribution of the third

One of the main conditions for the legacies to be valid according to Islamic law is that it could not exceed one third of the total amount of the succession.[28] In the documents this is expressed with the formula: "it should be extracted from the third of her estate, whether real estate properties, or other kind," as in the model recommended by Ibn Salmūn.[29] In the case of the testaments of ʿĀʾisha, and since the notary wrote three documents, it is also necessary to mention the existence of the other two, and the fact that together they do not total more than the third of ʿĀʾisha's succession. Thus, the notary specifies: "in addition to what she already assigned in another document with the same date" (as in no. 1) or "in addition to what she already bequeathed in the same day in another document" (no. 2) or a mixed formula (no. 3).

The other legacies of the collection use the same formula in this part, although writing as synonymous *mutakhallif* and *matrūk* for "succession," and sometimes stressing the fact that the third is deducted from all the properties (*jamīʿ matrūkihi*). Obviously, the rest of the text of the legacies is different in as much as the wills of the testators are also different. It is the most important part of the document where the notaries also have to record the names of the beneficiaries and the quantities that each of them will receive according to the testator's will. The manual of Ibn Salmūn suggests the formula: "and to give (the third) to *fulān*, so that it will become his full ownership or to derive (the third) in such a way."[30]

[27] Ibn Salmūn, *Kitāb al-ʿIqd*: 159.
[28] Ibn ʿĀṣim, *La Tohfat*: verse no. 737, Ibn Juzayy, *Kitāb al-Qawānīn*: 389.
[29] Ibn Salmūn, *Kitāb al-ʿIqd*: 159–60.
[30] Ibn Salmūn, *Kitāb al-ʿIqd*: 160.

As I already pointed out, in each of these documents ʿĀʾisha makes a different bequest so that the notary has to develop a formula for each of them. In no. 1 she wants to give "five gold *dīnār*s, at the common rate (*bi'l-ṣarf al-muʿtād*) to be paid to Umm al-Fatḥ ibnat Muḥammad Faraj, so she will enjoy them in full domain." In no. 3 she wants this same amount to be given to ʿĀʾisha ibnat ʿAbd Allāh b. Zayd also "in full domain."[31] In these two cases, the formula does not allow us to know the relationship between ʿĀʾisha and her legatees. On the other hand, in no. 2 she expresses her will that "twenty gold *dīnār*s of the common rate to be distributed for the trousseau of four virgin daughters of the orphans among the poor Muslims and giving to each of them an equal amount." This indicates that they will receive five gold *dīnār*s each and therefore the same as the other legatees. Since it was a common practice in Granada that fathers would provide their daughters with a trousseau equivalent, at least, to what the husband offered as the obligatory dower (*ṣadāq*),[32] ʿĀʾisha might have wanted to give these orphans, and maybe also to the other two legatees, the possibility to marry well and find a suitable husband.

When compared with the legacies in other documents of the collection, the bequests of ʿĀʾisha are not exceptional (except for the fact that she needed three pieces of paper). In fact, as ʿĀʾisha does in two of her bequests (nos. 1 and 3), other Granadan testators bequeath a good part of the third of their properties to only one person. In these cases, the notaries also note the full transmission of the property: "so that he enjoys the property in full domain." This is a licit bequest according to Islamic law, though only when the beneficiary is not one of the Qurʾānic heirs that will already have a portion in the distribution of the rest of the succession.[33] However, what is more frequent in Granadan legacies is to declare that one third of the properties should be distributed among several legatees, giving a different amount to each of them or distributing the third part among them all "in equal and equitable parts."

As I said, from nos. 1 and 3 we cannot conclude the nature of the relationship between ʿĀʾisha and her legatees. However, in other documents it is frequent to explain this relationship. There is a certain

[31] The formula used in the documents for explaining the transfer of property can vary slightly, from the use of only *takūnu maluhā*, to *mal*[an] *wa-mulk*[an] or *mal*[an] *wa-mitaʿ*[an], the latter being most common.

[32] See Zomeño 2000.

[33] Ibn ʿĀṣim, *La Tohfat*: 739 and 741, Sánchez Pérez 1914: 6, Powers 1990: 23.

pattern in the transmission of property since the legacies show a tendency to benefit granddaughters.[34] One of the reasons for this, as D.S. Powers has pointed out, is the fact that if the grandchildren are still minors, then the property will be in the hands of their parents until they obtain legal majority. Therefore, without contravening the rule, in practice the legacy benefits one of the Qurʾānic heirs.[35]

It is also very frequent that the testators extract a certain amount from the third part of the properties to dedicate it to the payment of the testator's burial, but most frequently this is given to charitable purposes. In fact, seven of the thirteen legacies include the formula: "such an amount in cash with which food and medicines should be acquired to be distributed among the weak (*ḍuʿafāʾ*) and the poor (*masākīn*)." In all these, they expressly mention that this charitable extraction was done for the expiation of the false oaths made in the name of God (*ʿan kaffārat al-aymān bi-ʾllāh*).[36] This kind of legacy with charitable intentions is also very frequent, as ʿĀʾisha did when giving twenty *dīnār*s for the trousseau of orphans. In another document the testator does not only leave an amount for the poor and sick, but also another part for charity in general terms (*fī sabīl al-khayrāt*). However, only one of the documents includes the institution of a pious foundation (*ḥubus*), using the formula: "the remainder of the third should be dedicated to buy a real estate property (*aṣl mulk*) and constitute with it a pious and perpetual foundation (*ḥubus*[an] *muʾabbad*[an]), so that the revenues that the property produces every year will be dedicated to charity (*khayrāt*) and to please God. This property should remain as a pious foundation in perpetuity and as a legacy without any limitation and its conditions cannot be altered nor suffer any change until God, who is the best of heirs, inherits the Earth and all its inhabitants."[37]

According to the legal principles of Islamic law

Afterwards, ʿĀʾisha's legacies include different formulas which express the fact that the whole document was written down "in accordance with the legal principles (*sunna*) that regulate the legacies."[38] This is certainly

[34] See documents nos. 4, 6 and 10.
[35] See Powers 1990: 23.
[36] See docs. 4, 8, 9, 10, 11, 12 and 13.
[37] See doc. 9.
[38] He follows Ibn Salmūn, *Kitāb al-ʿIqd*: 160.

a merely formulaic way of showing that the notaries cared for the legality of the legacies.

Religious compensation

Another part of the text is dedicated to explain the religious intention of making a legacy. In no. 1 he simply writes: "with the intention to please God," whereas in no. 2 "who is generous in his rewards" is added.[39] Therefore, although the phrasing changes in minor details, this does not change the meaning nor the intention.

In other documents the legacies present the same intentions of the testators, who aspire to "make a gift to the legatees and just benefit them, because God remunerates the benefactors (*muḥsinīn*)."[40]

Nomination of an administrator of the legacy

Next, the notaries usually include an appointment or a nomination of a supervisor (*nāẓir*) for the execution of the testator's will. In ʿĀʾisha's case, she nominates a supervisor for her bequest in no. 2 by means of the formula: "she assigned supervision for the execution of this legacy and the distribution of what she specified for each of the girls, to the legal scholar (*faqīh*) and preacher (*khaṭīb*) of the Akhshārish[41] quarter, whoever it is fulfilling this job (at the moment of her death)." Therefore, ʿĀʾisha only chose a guardian in the case of her charitable gift and nominated a person with legal, religious as well as local authority.

A nomination of a supervisor for taking care of the correct distribution of the third is certainly not frequent in the Granadan legacies and it is not linked to the fact that the legacy is a charitable gift and thus needs an authority. In fact, the four other testaments of the collection with a nomination of supervisor are the last wills of a married couple and they nominated each other.[42]

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[39] He follows Ibn Salmūn, *Kitāb al-ʿIqd*: 160.

[40] See document no. 11. The most frequent formula is *qaṣada al-ʿāhid bi-dhālika wajh Allāh taʿālā*. See also docs. 4, 5, 7, 8 and 13.

[41] On this quarter, see Seco de Lucena 1975: 127–31.

[42] See docs. 8 and 13, and 9 and 11.

The document is complete

From here on, the documents are to be finished in a legally correct way. All of them, including the three legacies of ʿĀʾisha, use the same formula: "this is a valid testament" (*ʿahd^{an} ṣaḥīḥ^{an}*),[43] but also "and a valid legacy" (*wa-waṣiyat^{an} tāmmat^{an}*). This kind of formula is used also in other documents of the collection (*bayʿ^{an} ṣaḥīḥ^{an}, qismat^{an} ṣaḥīḥat^{an}*) and allows us to identify the nature of every contract.

Witnesses and testimony

Before the date of the documents, it is required to record certain facts: first, that the document is, in fact, a certificate written by two witnesses testifying that what a certain person told them was his last will, their certification that the individual knows the legal implications of the legacy, as it is written in the document, and finally their certification on the testator's health and legal capacity, so that the legacy is lawful.

This is well exemplified in the three legacies of ʿĀʾisha, where the notary states that she knows the legal implication (*qadr*) of this testament and asks for testimony from those who know her and are aware of the fact that she is sick and prostrated in her bed, but that she is sound of mind and discernment, so that this document is legally valid. Here, again, the notary introduces a little style change which maintains the very same meaning.

According to Islamic law a person can freely dispose of at least one-third of his estate as he or she wishes, except at the moment of his death-sickness. This is especially important for non-profitable transactions, as a legacy.[44] To avoid this stipulation that can annul the legacy, the documents have to include a declaration of the physical and mental capacity of the testators, although in most of them, he or she is fully sane and only two of the testators are in the same situation as ʿĀʾisha, that is to say, sick although legally capable. In the documents they merely mention that he or she "understands and reasons."

End of the documents

In the three documents the dates are the same and written down with the same wording without any variation. Finally, the last words written

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[43] He follows Ibn Salmūn, *Kitāb al-ʿIqd*: 160.
[44] Yanagihashi 1998.

in the documents are dedicated to a certain mark of the notary, who finishes with the words: “God knows the authenticity of this document,” partially deleted in no. 1. In no. 3, on the other hand, the notary made a mistake when writing the word *ʿayyanathu* “assigned” and he erased a part of the word which is, however, very visible. He points this out in the very end of the document and therefore certifies that it is not a later addition or fraud. In doing this he follows the custom of other notaries.

Concluding Remarks

In 1961, L. Seco de Lucena pointed out that the Granadan notaries were not following blindly any specific manual; on the contrary, they were changing and introducing different formulas when writing their documents. The case of ʿĀʾisha stresses this same point since not even the same notary writing the same legal contract on the same day would stick to the same formulas. Nevertheless, all these different wordings mean, in general, the same thing.

The three testaments of ʿĀʾisha, the three earliest legacies of the collection, share with the other legacies all the strictly necessary parts for making the document legally valid. However, they differ in as much as the usual way is to write all the bequests on the same piece of paper, in only one document, even if the legatees are different. The case of ʿĀʾisha is also representative of what we know about women’s transmission of property, since she also transfers only to other women[45] and she leaves, at least as far as one third of her properties is concerned, only cash. Among the thirteen legacies of the collection only four are made by men (two of them by the same person) and nine by women (the three of ʿĀʾisha and two others by another woman).

She is also representative in the fact that she makes legacies for charitable reasons. In this case, at least in Granada in the fifteenth century, this kind of charitable bequest was made both by men and women alike. The frequency of the extractions from the third of a quantity for charitable purposes shows the general social and economic situation in Granada, where several blows of Black Death and continuous defensive warfare generated the necessity of taking care of a good number of widows and orphans.

[45] Marín 2000: 315–9.

Appendix

1. Caja C 27 (26). R. 32975. Paper: 16.0 × 10.8 cm. Box: 10.5 × 8.5 cm. Seco de Lucena 1970: no. 15. Legacy. 29 Shaʿbān 841 / 25 February 1438
2. Caja C 27 (27). R. 32976. Paper: 16.2 × 11.5 cm. Box: 11.5 × 9.0 cm. Seco de Lucena 1970: no. 13. Legacy. 29 Shaʿbān 841 / 25 February 1438
3. Caja C 27 (44). R. 32993. Paper: 16.0 × 11.4 cm. Box: 105 × 85 cm. Seco de Lucena 1970: no. 14. Legacy. 29 Shaʿbān 841 / 25 February 1438
4. Caja C 27 (62). R. 33011. Paper: 21.0 × 18.2 cm. Box: 160 × 130 cm. Seco de Lucena 1970: no. 21. Legacy. 2 Ṣafar 845 / 22 June 1441
5. Caja C 27 (91). R. 33040-V. 121 Luque. Paper. Measurements unknown. Legacy. 6 Jumādā I 856 / 25 May 1452
6. Caja C 27 (64). R. 33013. Paper: 22.0 × 14.5 cm. Box: 115 × 115 cm. Seco de Lucena 1970: no. 10. Legacy. 28 Ṣafar 886 / 28 April 1481
7. Caja C 27 (79). R. 33028. Paper: 21.2 × 14.5 cm. Box: 15.0 × 12.3 cm. Seco de Lucena 1970: no. 56. Legacy. 25 Shaʿbān 886 / 19 October 1481
8. Caja C 27 (6). R. 32955. Paper: 21.5 × 14.5 cm. Box: 11.5 × 13.0 cm. Seco de Lucena 1970: no. 64. Legacy. 27 Jumādā II 888 / 2 August 1483
9. Caja C 27 (66). R. 33015. Paper: 21.5 × 15.0 cm. Box: 17.3 × 11.9 cm. Seco de Lucena 1970: no. 4. Legacy. 20 Ṣafar 890 / 8 Mars 1485
10. Caja C 27 (19). R. 32968. Paper: 22.0 × 15.0 cm. Box: 11.5 × 12.0 cm. Seco de Lucena 1970: no. 75. Legacy. 29 Ṣafar 896 / 11 January 1491
11. Caja C 69 (5–45). Paper: 17.0 × 16.2 cm. Box: 14.5 × 12.1 cm. Seco de Lucena 1970: no. 87. Legacy. 29 Ṣafar 899 / 9 December 1493
12. Caja C 27 (14). R. 32963. Paper: 21.5 × 18.3 cm. Box: 13.0 × 11.8 cm. Seco de Lucena 1970: no. 89. Legacy. 10 Shaʿbān 901 / 24 April 1496
13. Caja C 27 (2). R. 32951. Paper: 22.0 × 14.5 cm. Box: 17.0 × 12.0 cm. Seco de Lucena 1970: no. 90. Legacy. 3 Ṣafar 902 / 11 October 1496

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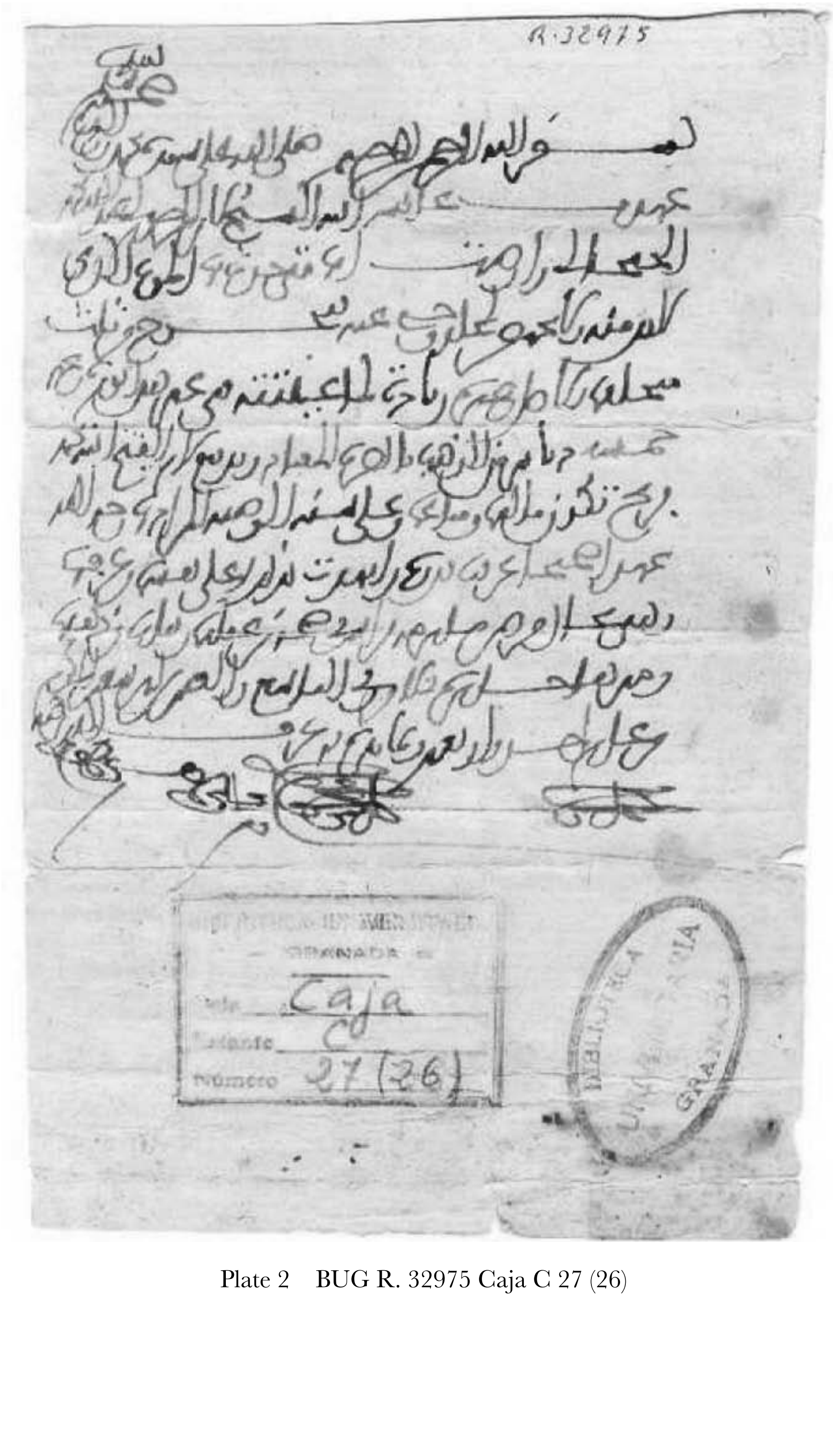


Plate 2 BUG R. 32975 Caja C 27 (26)



Plate 3 BUG R. 32976 Caja C 27 (27)



Plate 4 BUG R. 32993 Caja C 27 (44)

SICILY

TRUSTING THE TEXT AS FAR AS WE CAN THROW THE SCRIBE: FURTHER NOTES ON READING A BILINGUAL *JARĪDAT AL-ḤUDŪD* FROM THE ROYAL *DĪWĀN* OF NORMAN SICILY[1]

Alex Metcalfe

Introduction

The piecemeal Muslim conquest of Byzantine Sicily from the year 827 and the Norman conquest of a politically-fragmented Islamic Sicily from 1061 and their subsequent rule until 1194 pose a number of knotty problems over the issue of change and disjuncture to the administrative structures on the island as authority came to be implemented and articulated by successive ruling groups. In recent years academic attention has come to focus on the administration and languages of Latin Christian or 'Norman' Sicily, in particular the role of Muslims and the use of Arabic in the chancery or *dīwān*. Shortly after his accession to the throne, Roger II (r. 1130–54) introduced Arabic as a royal language together with Latin and Greek after a 20-year period of absence as a language of his comital diplomata. Thus, at the height of Norman rule in the mid-twelfth century, Arabic enjoyed a prestigious status and was as fundamentally important to the royal fiscal administration as were its Muslim or ex-Muslim officers. Although the last Arabic document in Sicily was issued under Frederick II as late as 1242, this was somewhat exceptional as it had been the only *dīwānī* output in Arabic of any kind since 1183. Indeed, by the mid-1180s, the Muslim officers associated with the fiscal administration had lost much of the influence they had previously exerted. In addition, important areas of north-eastern Sicily had become quite devoid of both Muslims and Arabic-speakers. In contrast, many of the crown estates in western Sicily continued to be

[1] This article stemmed from research conducted in regional and church archives in Palermo and Monreale between 2001 and 2004. This was funded by the British Academy while the author was one of their post-doctoral research fellows in the Department of Arabic and Islamic Studies at the University of Leeds. The author would also like to thank Dr Jeremy Johns for his comments on a draft of this article.

populated predominantly by Arabic-speaking Muslims. In the late 1170s and 1180s, rights over these lands and men, as well as the responsibility for their administration, were transferred to the church of Santa Maria Nuova at Monreale as part of an exceptionally generous concession made by Roger II's grandson, King William II.

The church at Monreale, ten miles to the south-west of Palermo, had been founded in 1174, and shortly after the grants to the church, three great bilingual confirmations were issued which described the concessions. The first was a list of 1,194 men (*jarīdat al-rijāl*) which was written in Arabic and Greek and issued in May 1178; the second was a series of 50 boundary descriptions (*jarīdat al-ḥudūd*) in Arabic and Latin from May 1182; the third was another *jarīdat al-rijāl* containing the names of 729 household heads written in Arabic and Greek, which was issued in April 1183.[2] The church's effective control over these lands and men would prove to be short-lived as the Muslims rose in revolt on William's II death in 1189, leading to their brief independence followed by their defeat and their deportation to the Italian mainland between 1223 and 1246. The resulting demographic collapse not only marked the end of the Muslims on the island, but also marked a highly significant point in the rapid, final decline of Sicilian Arabic as a spoken and written medium outside the island's Jewish and Arab-Christian minorities. In addition, as cadastral information relating to lands and men was in theory known to scribes and officials in writing, but was in practice affirmed by the oral testimony of local elders, the *en bloc* deportations of the Arabic-speaking Muslims simultaneously represented the loss of much knowledge of where the boundaries of estates actually were. Moreover, by the mid-thirteenth century, management of many of the crown lands once known to Roger and his Arabic fiscal administration had increasingly passed into the hands of local, Latin churches, lords and their Latin notaries. The momentous changes on the former crown lands of western Sicily were to affect the entire area fundamentally and irreversibly since it was not re-populated before the Black Death in the mid-fourteenth century and did not begin to be re-populated at all until the mid-sixteenth century.

[2] The most appropriate way to refer and cross-refer to Sicilian Arabic documents now is to consult the provisional catalogues in Johns 2002: appendix 1 and 2, where the Monreale *jarā'id* appear as *Dīwānī* 43, 44 and 45 respectively. For an (unsatisfactory) edition of them, see *I diplomi greci ed arabi di Sicilia*: 134–286. Although the boundaries were confirmed in 1182, at least four Monreale estates (Raḥl ibn Sahl, Raḥl al-Wazzān, Ḥajar al-Zanātī and Qurūbnish) were known in writing prior to the confirmation. For these, see Johns 2002: Appendix 1, *Dīwānī* 29, 33, 34 and 40.

As such, the sheer size and scale of these bilingual administrative records of the 1170s and 1180s and the vast amount of information they contain represent the fullest record of crown lands and men, and the best chance of observing the history of the Sicilian Muslims under Christian rule in a fine level of detail. To this debate, the Arabic-Latin boundary description adds the names of several hundred minor localities and offers vital evidence for the thorny question of toponymic change and continuity in western Sicily pre- and post- the Muslim revolt and deportation.

While these events have always received wide-ranging interest, recent works have begun to look more specifically at certain aspects of the island's Arabic administration. Indeed, one of the many triumphs of the recent monograph *Arabic Administration in Norman Sicily* by Jeremy Johns was the way in which painstaking analysis of documentary detail might allow a carefully-inferred reconstruction of the arcane practices and procedures within the royal *dīwān* which were not immediately discernable otherwise. In doing so, Johns highlighted and corrected a number of misapprehensions which have clouded the academic study of twelfth-century Sicily and Calabria over the past 150 years, while putting forward the most comprehensive study to date of the fiscal administration of the once Muslim-held island as it developed under Christian control. While this article forms one strand of a much wider, on-going, collaborative project to publish new and critical editions of the *dīwānī* documents, the approach to the source material is nonetheless similar and offers some further thoughts on the variant readings of place names found across the three languages of the original documentation and the Arabic of the in-house record books.[3] The discussion in this article concentrates particularly on the study of a long *jarīdat al-ḥudūd* or "register of boundaries" issued to the church at Monreale which contained the descriptions of 50 boundaries written in Arabic and Latin, a comparative study of which not only raises important questions about what information the crown actually possessed in its record books but also dimly illuminates the way in which bilingual documents came to be composed while hinting at the relative importance of the royal administrative languages and scribes (both *notarii* and *kuttāb*) during the reign of William II and the foundation of Monreale.

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[3] Editions of both the Arabic and bilingual documents are currently being edited by Jeremy Johns, Nadia Jamil and myself. These new editions are likely to clarify many unresolved issues of Sicilian Arabic diplomatics and palaeography.

Some remarks concerning the in-house records of the royal dīwān

The Arabic-Latin boundary description is unusual in the sense that we are told the names of both scribes; Alexander, a well-known royal Latin notary whose career is relatively well-established, and Yūsuf, an otherwise unknown Arabic *kātib*. While the Latin translation has been discussed elsewhere,[4] the question of additions, omissions and the relationship both languages had with the in-house records has received less attention. On this point, we are told somewhat ambiguously in the Arabic that "[the estates] were described in Latin from the Arabic by the hand of the aforesaid scribe Alexander, and in Arabic by the hand of the aforesaid scribe Yūsuf from the register books (*dafātir*, singular, *daftar*) of the *dīwān al-taḥqīq al-maʿmūr*."[5] It is not clear on this evidence alone whether both versions were taken from the *daftar*s, however, the Latin is less equivocal and claims that it had indeed been made from the *dīwān*'s *daftar*s.[6] Although none of the *daftar*s has survived, it can be inferred from the divergences between the two versions (see below) that the Latin was not translated word-for-word from the Arabic of the manuscript. Rather both versions were generally derived from a common ancestor of the Arabic of the *daftar*s.

On the discrepancies between the Latin and the Arabic version

The relationship between the three written sources (Latin MS, Arabic MS and *daftar* Arabic) of the 1182 boundaries is not straightforward since the two versions of the manuscript do not match precisely. How might this have come about? Clearly, one could argue that if both scribes were equally careless in an unpredictable way, then there is no way to discern between the addition of a phrase in one language and an omission in the other but that one might nevertheless be able to conflate the two to give the original contents of the *daftar*. This argument might be acceptable were it not for the fact that some of the extra information in the Latin seems to come in the form of a qualification at the end of a particular boundary definition. In addition, the discrepancies are

[4] Most recently Metcalfe 2001: 43–86 and Johns 2002: 170–92 *passim*.

[5] Line 375 of the Arabic.

[6] *has aut*[*em*] *p*[*re*]*dictas divisas a deptariis n*[*os*]*tris de saracenico in latinu*[*m*] *transferri, ip*[*su*]*m q*[*ue*] *saracenicu*[*m*], *s*[*e*]*c*[*un*]*d*[*u*]*m q*[*uo*]*d in eisde*[*m*] *deptariis continet*[*ur*]. Line 213.

unevenly distributed, there being no non-trivial divergences between the versions in the inner boundaries of the district of Iato, for example. Although the divergences are of various types, it should be made clear that they were often very minor and do not help to inform any particular thesis. Nonetheless, a list of them has been given below. The abbreviations L and A refer to Latin and Arabic, while the numbers refer to the lines in the manuscript. The district (*iqlīm*) followed by the estate (*raḥl*) are given in brackets.

L7:A223 (Iato: *al-ḥadd al-kabīr*). *secat viam divisa, & ascendit ad capud cultu*[*re*] *filior*[*um*] *Phitile, usq*[*ue*] *ad petras rubeas*. Here the phrase الى السرج ('to the saddle') is not present after the name *Phitile*.

L12:A227 (Iato: *al-ḥadd al-kabīr*). *usq*[*ue*] *ad Rahalbahári quod est de tenim*[*en*]*to Iati. habet tam*[*en*] *ips*[*um*] *d*[*omi*]*n*[*u*]*s Corilionis.* The final sentence is not included in the Arabic. It may have been erroneously duplicated by the Latin scribe as the same phrase is repeated shortly afterwards in the following line. However, it also serves to qualify the relationship between the estate and the 'lord of Corleone.'

L21–22: A234 (Iato: Maghanuja). *Divisa Maganuge incipit primum divisa dividens int*[*er*] *Maganuge, et casale Cumait, a fonte frigido descendens p*[*er*] *flum*[*en*]. The underlined phrase is not apparent in the Arabic, nor is it clear whether it might be best understood as an additional qualification or a simple omission on the part of Yūsuf.

L26: A236 (Iato: Maghanuja). Here, the information that *s*[*un*]*t ibi villani septuaginta* does not appear in the Arabic. However, the lands defined were clearly subject to a complex arrangement that may have proved problematic in the past. After the boundary description we are told in both versions that "the boundary can be sown with 1,000 *mudd* of which 30 *mudd* are no use for ploughing. In the land of *Khandaq al-Aḥsan* is a plot of land the people of Jāṭū said is of the lands of al-Qumayṭ. Its sowing (capacity) is 40 *mudd* over and above the 1,000 *mudd*." However, while it was not unusual to read such information about sowing yields in this particular district, the inclusion of villein numbers in a boundary definition without reference to their registration or fiscal category was exceptional. That this should occur in only one of the languages prompts the strong suspicion that the Latin scribe was genuinely offering extra information from a different source.

L29:A238 (Iato: al-Duqqī). *sic*[*ut*] *fundit*[*ur*] *aqua ab eo orientalit*[*er*] *p*[*er*]*tinet ad Rahalmie.* It is unclear what has happened here. The Latin scribe left no space between *ad* and *Rahalmie.* However, the Latin had

been written over a lightly scratched area in the MS, which covers only part of this name and is almost certainly the site of an erasure, which accounts for the peculiar spacing. The letters *h* and *l* have not been affected by the damage. However, in the Arabic version, this water is said to go to (and presumably belong to) the estate of Jafla.

L31: A239–40 (Iato: al-Duqqī) *descendit cu*[*m*] *aqua usq*[*ue*] *ad menáka. scilicet ubi mollificat*[*ur*] *linu*[*m*]. *& ibi iungunt*[*ur*] *duo vallones in unum.* The central phrase *scilicet ubi mollificat*[*ur*] *linu*[*m*] does not appear in the Arabic. In this case, it is tempting to assume that the extra Latin phrase served to clarify the transliteration of *menáka* (from the Arabic *manāqiʿ* meaning "bogs") as a feature of physical geography rather than a toponym.

L130: A309 (Iato: al-Qumayṭ) *ad petras sel*[. . .] *ad flum*[*en*] *magnu*[*m*]. Here there is a lacuna of 12 mm after this seemingly incomplete transliteration of the Arabic name *Sālim.*

L137–8: A315 (Iato: Raḥl al-Jawz) *usq*[*ue*] *ad mo*[*n*]*ticul*[*u*]*m* [. . .]. Here there is a lacuna of 19 mm in the Latin text. *Al-thāniyya* (the second) appears in the Arabic.

L140–1 & 142: A316 (Iato: Raḥl al-Wazzān). *Divise t*[*er*]*rar*[*um*] *laboratoriar*[*um*] *que date s*[*un*]*t regio p*[*re*]*cepto monast*[*er*]*io s*[*an*]*c*[*t*]*i Nicolai de Churchuro & sunt ad quattuor pariccla, scilic*[*et*] *ad seminatura*[*m*] *centum viginti salmar*[*um*], *& sunt in tenim*[*en*]*to Iati* . . . (142). *Et est de terris casal[is] H u z e n.* In 1149, the monks of the small church of S. Nicolò 'de Churchuro' had received an Arabic copy of a grant which included the boundaries of the estate of Raḥl al-Wazzān. However, when the copy was renewed at the monks' request in 1154, a quite different set of boundaries were defined. The description was again written only in Arabic. Thus, potential for confusion had been generated by 1154 over which estate the monks had been granted.[7] In the 1182 confirmation to Monreale, the sowing yield and name of the estate was included in the lesser detail of the Arabic which reads "the boundary of the land in the hands of the monks of the church of Chùrchuro . . . and they are the lands of al-Wazzān. They can be sown with 120 *mudd.*" However, the Arabic version crucially failed to re-iterate the moot point that it was the estate of al-Wazzān which was in the monks' hands, that this estate was to be found in the district of Iato, and that this arrangement (which continued to be a source of confusion and dispute until the modern period) had been determined "by royal command" (*regio precepto*) as

[7] For a detailed discussion of this, see Johns & Metcalfe 1999: 226–59, and Johns 2002: esp. 175–80.

opposed to being determined by some local or ancient tradition, in-house forgery or otherwise false claim.

L163: A332 (Corleone: Ḥajar al-Zanātī). *descendit ad favaria*[*m*], *&* *claudit*[*ur*] *divisa. Et h*[*ec*] *divisa iter*[*um*] *est int*[*er*] *divisas Corilionis.* The final sentence is not present in the Arabic. This appears to be an additional clarification by the Latin scribe. However, the estates which bordered on Corleone often contained such snippets of information given equally in both languages.

L166: A335 (Corleone: Jāliṣū). *descendit ad vadu*[*m*] *quod est sup*[*ra*] *Cástane, & ascendit usq*[*ue*] *ad porta*[*m*]. After the name of the estate, the Latin does not include وهو في محجة قرلون ويرجع من هنالك طالعا الى الحارك الذى فوق قسطنة. ("which is on the Corleone road and returns from here rising to the hill which is above Qasṭana")

L169: A338 (Corleone: Faṭṭāsina). *Transit vallone*[*m*] *p*[*re*]*dictu*[*m*]. The Arabic reads يعدى الخندق الخندق. ("it traverses right across the ditch") This seems to be a straight difference of translation, where the better rendition might be suggested by the Latin, given that noun duplication in both languages expressed a measure of distance and did not usually refer to short distances. Intriguingly then, it is possible that the sense of the Arabic recorded in the *daftar* could have been at fault in some minor way here.

L188: A354 (Baṭṭallārū) *vertunt*[*ur*] *p*[*er*] *via*[*m*] *publica*[*m*] *magna*[*m*] *quousq*[*ue*] *iungunt*[*ur*] *ad riv*[*um*]. The phrase من الشاقة الى المدينة ("from Sciacca to Palermo") relating to the road is inexplicably absent in the Latin.

L190: A356 (Baṭṭallārū). *ascendunt p[er] serra[m] usq[ue] ad hedificia diruta* where the Arabic reads مع الصلب الصلب ("right along the ridge"). Precisely translated from the Arabic, the Latin should have read *per serram serram.*

Relationship between the bilingual MS versions and the daftar records of the dīwān

Latin 1182 MS version
(translated from the *daftar* Arabic probably with additions, omissions, & clarifications)

Arabic 1182 MS version
(copied from the *daftar* Arabic, probably omitting the odd phrase)

daftar Arabic of the in-house records

It is well-known that the accompanying Latin translation made of the Arabic manuscript version was often unhelpfully literal and in a large number of cases, the scribe had translated the Arabic names of localities. The best example is that of Jabal al-Maʿaz which was rendered as *mons caprarum* but is still known today as Gibilmesi. In doing so the scribe often rendered many place-names unrecognisable to speakers of any language.[8] Given that the *dīwān* can often be seen to have relied on the oral testimony of trusted locals to confirm the course of the boundaries at inquests, any subsequent confusion caused by the expulsion of the Muslims can come as little surprise. Prima facie, this would appear all the more reason to give priority to the Arabic copy over the Latin transliteration to resolve cases where a reading is ambiguous. However, even such a simple approach is problematic and many of the difficulties of establishing the reading of a place-name can be illustrated in the following examples.

On the reading of the estate of Q(a?)ṭ(ṭ?)ās(i?)na, also known as Fantasine

One of the internal boundaries within the *magna divisa* of Corleone (*Qurullūn* in Arabic)[9] is given in Latin as *Fantasine*.[10] In contrast, the boundary heading of the Arabic clearly reads قطاسنة (=Q(a?)ṭ(ṭ?)ās(i?)na), where the initial *qāf* is carefully pointed with two separate dots. The *nūn* is also pointed. In the Arabic text, the headings of the boundary names, such as this one, were written in much larger and more clearly-written script throughout. Typically, they carried diacritical marks, pointing and even vocalisation, giving some of the clearest indications of short vowels as well as consonants. For this toponym, the only indication of

[8] On this, see Metcalfe 2001.

[9] For the proposed reading of *Qurullūn* for Corleone, see the introduction to the 1178 Monreale *jarīdat al-rijāl* where the *lām* is clearly marked with a *shadda* and a *ḍamma.* Thus, the double *lām* must have been preceded directly by a short vowel and most likely followed directly by the long vowel *wāw*. Had it been followed by a *kasra,* this might at some point have come to affect the orthography and produce the forms *Qurulliyūn, Qurliyūn* etc. Although these variants were the forms preferred by the Arab geographers such as al-Muqaddasī (4th/10th) and al-Idrīsī (d. 560/1165), they were not the reading of choice for the Arabic scribes of the *dīwān.* The advantage of proposing a *ḍamma* for the second short vowel is that this would harmonise with the *wāw* as well as with the standard Greek rendition of the same name from which it was derived. In addition, in at least one other instance of this name (Monreale 1183, rubric of 81F), the first short vowel is attested as a *ḍamma.*

[10] MS line 166.

what the short vowels in the Arabic might be come from the Greek and Latin. Unfortunately, between them they have covered all three possibilities (see examples cited below). The nasalisation in the Latin rendition supports the idea that the Arabic emphatic stop /ṭ/ might have had a *shadda*.[11] Further support comes from the geminated tau in the two Greek versions of the name (cited below). If so, then the name might have fallen into the Arabic pattern of *faʿʿāl* with the addition of a Latinate diminutive suffix *-ina*. This reasoning is, at best, tentative and anyway does not establish the value of the initial consonant, which in the Arabic was given as *Q*, while in the Latin it was *F*.

If the divergent readings are problematic, the location of this estate is only slightly less so. In 1448 the "lands of Tontasina or of Mole" were mentioned as the subject of a purchase agreement. On the grounds that 'Tontasina' is a version of 'Fontasina,' a view confirmed to some degree by citations from the later medieval period, the estate has come to be associated with the more enduring toponym of Cozzo Moli to the west of Campofiorito.[12] Although this identification has been broadly, and probably rightly, accepted by modern scholarship, doubts remain as to whether the estate was within the district of Baṭṭallārū (Battellaro) or Qurullūn (Corleone) in the Norman period.

In a royal Greek-Arabic register of men issued in May 1151, some 20 men were recorded as being from a village called Φουττάσινη said specifically in both languages to be in the district (*iqlīm*) of Corleone. They were confirmed as pertaining to the monastery of S. Maria Maddalena in Corleone.[13] In the 1182 *jarīdat al-ḥudūd* the boundaries of this same estate were then defined as an internal estate of Corleone. The problem arises in the 1183 *jarīdat al-rijāl*, where men of Faṭṭāsina were also mentioned. Here, the rubric first read *wa-min al-muls bi-Baṭṭallārū wa-raḥāʾilihā* or "and among the unregistered men at Baṭṭallārū and its estates are . . ."[14] Then, under the Arabic heading *Faṭṭāsina bi-Baṭṭallārū*,

[11] This phenomenon of nasalisation before geminated stops (especially when followed by a long vowel) was occasionally reproduced in similar phonetic environments in Sicilian Greek and Arabic dialects too. See Metcalfe 2003: 171–2 for some brief observations on this. It is also possible that the Arabic scribe had somehow become confused with the estate of Qaṣṭana, also within the district of Corleone. Neither of the scribes showed any sense of familiarity with the places they were describing.

[12] Schirò 1894: 38. For the development of this argument, see Nania 1995: 154–5; Johns 2002: 152 note 27, and Vaggioli 2003: 1262–3, and especially 1310 note 107 for a helpful bibliography.

[13] *I diplomi greci ed arabi*: 130–4. Johns 2002: *Dīwānī* 30.

[14] *I diplomi greci ed arabi*: 262. MS line 78.

we find the name of a single household head registered in the category of the *muls* (i.e. those who were being registered for the first time).[15] Curiously, the Greek reads only ὁ τοῦ χω(ριοῦ) φιττάσινε, although this does at least give some indications of the vowels. That the estate was not listed under the generic heading of "Baṭṭallārū and its estates" implies that Faṭṭāsina was not an estate of Baṭṭallārū. Moreover, it was not unprecedented to find villeins from one estate listed as being under the administrative orbit of another. For example, in the 1178 *jarīda* we find under the villeins of Sūq al-Mirā᾽ a list of 22 men under the rubric "and from Qaṣṭana they have . . ."[16]

In a recent article, Adelaide Vaggioli followed Salvatore Cusa by understanding *Faṭṭāsina bi-Baṭṭallārū* to mean "in Rahal Fettàsine ch'è in Batallaro"[17] Based on this idea, and after some careful hypothesising, she concluded that "the *Divisa Fantasine* appears to be located within the district of Battellaro" while acknowledging that its boundaries were defined in full as one of the internal estates of Corleone. Given that its boundaries were specifically described as an estate within the district of Corleone, not Baṭṭallārū, in the 1182 *ḥudūd*, then the rubric *Faṭṭāsina bi-Baṭṭallārū* in the villein register of the 1183 might be better understood as meaning that there was a newly-registered family of villeins from there who were now at Baṭṭallārū, not that the estate was itself located in the district of Baṭṭallārū. So, if the generally-accepted identification of Faṭṭāsina with Cozzo Moli is correct, then the estate should lie on the Corleone side of the boundary contiguous with the boundary of Baṭṭallārū. We should also note that elsewhere the *dīwān* was unusually precise about property rights in this district which was an ex-barony and had been re-commended into the crown's lands after 1162. For instance, in the 1182 *ḥudūd* we learn that the boundary of Baṭṭallārū ran to "the two mills which are in al-Qaṣaba.[18] Al-Qaṣaba, with all its boundaries, is within the Qurullūn boundary, but they [*wa-hum* (sic) = the mills?] are among the property of the lord of Baṭṭallārū."[19]

A year later, in March 1184, the estate in question (*casale quod dicitur Fantasina*) was defined as part of a royal concession from William II

[15] *I diplomi greci ed arabi*: 263. MS line 81.
[16] From the Monreale 1178 *jarīda* (*Dīwānī* 43). See *I diplomi greci ed arabi*: 154–55. MS line 65. NB Cusa misreads the estate as 'Qasṭana' rather than 'Qaṣṭana.'
[17] Vaggioli 2003: 1263, 1309, and *I diplomi greci ed arabi*: 733.
[18] Immediately prior to this toponym, the word 'Baṭṭallārū' had been struck through.
[19] Lines 347–48.

to Monreale of the estate of Ṭurrus (*Terrusio* in the Latin) which had previously been granted to the church of S. Maria Maddalena in Corleone (see above).[20] The concession was composed in Latin only and said to have been "written by the hand of the scribe Alexander" and the boundary description which was appended had clearly been copied from the same scribe's Latin translation of the *daftar* Arabic.[21] Not only are the two versions almost identical bar trivial differences, but both refer to a bizarrely-named locality given as *densitudinem porcorum* in the 1182 version, then as *densitudo porcorum* in that of 1184. Although Cusa's reading of *ʿuqdat al-khinzīr,* (literally "knot of the pig") may have been influenced by the translation of the Latin scribe, both the readings and translations can be called into question.[22] The manuscript Arabic is indeed problematic, but only one dot is apparent over the *fāʾ* while the *dāl* might be construed as a *rāʾ*. The reading is thus more likely to be عفرة الخنزير and not عقدة الخنزير and as such this might be translated as "the bristles of the boar's neck" rather than "the knot of the pig."[23]

Nonetheless, it is quite clear to see the replication of the Latin version very shortly after the Latin translation from the *daftar* Arabic had been made. That is to say, the later Latin, as a copy of the previous Latin version, was considered sufficiently authentic and accurate so as to dispense with the need to refer back either to the manuscript Arabic or to the *daftar* Arabic. At this point, as early as 1184, one might argue that the Latin had become detached and independent from the original, base language of the Arabic.

During the twelfth century then, the estate in question had been mentioned a total of seven times across three languages, and once more in the mid-fifteenth century. Thus:

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[20] Garufi 1902: no. 51, 28.

[21] For a comparison of the two Latin descriptions, see Nania 1995: 155.

[22] *I diplomi greci ed arabi*: 234. Latin line 166 and Arabic line 335.

[23] For *ʿufra* referring to 'the hair of the back of the neck' (of either a man, bird or beast), a term which seems to gain its meaning from that which might stand up when frightened, see Lane 1863–93: 5, 2090. In most areas where there are wild boar, the bristles from the neck and along the spine have traditionally been used by shoemakers to stitch leather or alternatively to make bristle brushes. In the context of a boundary description, the name of this locality presumably carried a figurative meaning. The translation in Italian could be rendered precisely as 'le setole del maiale.'

Date	Arabic	Greek	Latin
1151	F.(ṭ)ṭās(i)na[24]	Φουττάσινη	
1182	Q.(ṭ)ṭās(i)na[25]		Fantasine
1183	F.(t)ṭās(i)na[26]	Φιττάσινε	
1184			Fantasine
1448			Tontasina (*sic*)/ Mole

Clearly, this raises an important point about the route of transmission of this obscure place name and whether it had been conveyed 'bottom-up' or 'top-down.' That is to say, had it been transmitted into the later medieval period orally by echoing the tones of the local Arabic or Greek-speaking population or was the form in which it had survived due to the written version carried by the Latin documentation?

With regard to the initial consonant, the weight of evidence would suggest that the correct reading of the Arabic manuscript version should begin with a *fā'*. Evidently, this also serves to undermine the notion that the more 'original' Arabic version should always be given priority over the Latin in similar cases of ambiguity, even though the Latin with all its quirks, appears to have achieved some degree of primacy over the Arabic by, and from, this period.

On the reading of the Raḥl al-Thawr, also known as Casale Helbur

Doubts over the reading and location of estate can at least be discussed in a relative amount of detail as the estate is attested elsewhere in other documents. However, other examples are more elusive but again call into question the reliability of the original languages, their relative status, and the in-house draft from which both versions were made. For example, an estate repeatedly mentioned as being within the boundaries of Baṭṭallārū is given as follows in the parallel text:[27]

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[24] *I diplomi greci ed arabi*: 131 also reads *F.(ṭ)ṭāsina*.
[25] *I diplomi greci ed arabi*: 197 and 234 reads *F.(ṭ)ṭāsina*.
[26] Line 81A in the MS. *I diplomi greci ed arabi*: 263 reads *Q.(ṭ)ṭāsina* which is clearly wrong in this case.
[27] At different places in line 348 in the 1182 MS, both the *lām* and *ṭā'* of Baṭṭallārū carry a *shadda*.

Line Transcription	Arabic	Latin	Line
320 *Raḥl al-Thawr*[28]	رحل الثور	*Rahaltor*	144
320 *Raḥl al-Thawr*	رحل الثور	*rahaltauri*	145
348 *Raḥl al-Būr/al-Thawr*	رحل الثور	*de casali helbur*	180

In the last Latin example, one might be forgiven for thinking that while *Rahaltor* and *Rahaltauri* referred to the same village this was clearly different from the estate called *Casale Helbur*.[29] The Arabic scribe was not so sure, and pointed the disputed letter as both a *bāʾ* and a *thāʾ* with three dots above *and* a single dot below the same consonant. This telling uncertainty about the correct form suggests that the *daftar* Arabic itself was probably ambiguous, being either unpointed or perhaps pointed in the last example as a *bāʾ* which the Arabic scribe Yūsuf suspected was wrong since it was inconsistent with the previous readings. Either way, neither Yūsuf nor Alexander seemed to know for certain what the proper form should have been, and consequently nor do we. Here, the weight of evidence argument will not do, since the same error may have been propagated via the copying and translation/transliteration process from the *daftar*s to the final manuscript in the first place. The suggestion that the *daftar* Arabic may have been either unpointed or unclearly pointed and that the scribes themselves were from time to time demonstrably confused by their own in-house documents may also account for the following ambiguity which also occurred in the 1182 *jarīdat al-ḥudūd*.

Tillīs, yelbes and the question of pointing in the daftars

An unidentified minor locality cited in the description of the *magna divisa* or *al-ḥadd al-kabīr* of Corleone was given in the clearly-pointed Arabic as *maḍīq tillīs*. Although we might have expected to see the definite article before *tillīs*, the meaning may be rendered literally as 'wheatsack rift.'[30]

[28] This is not vocalised in the text, but the proposed vowels are based on the Latin and the limited possibilities in Arabic.

[29] Whatever the correct form of this place name, it is not to be confused with the Arabic for Caltavuturo, which was also al-Thawr.

[30] The Latin appears at line 150 in the manuscript, the Arabic at line 324; henceforth (150/324). Cf. *I diplomi greci ed arabi*: 231. As often, Cusa based his interpretation of the

However, the Latin translation reads *ad modica(m) yelbes* the meaning of sense of which is difficult to imagine (cf. Arabic *yalbas*[u] 'he dresses'?). An explanation for these divergent readings may be that both the Latin and the Arabic scribes were working from an unpointed original version. Thus:

Latin 1182 MS version — *modica yelbes* — يلبس ؟

Arabic 1182 MS version — *maḍīq tillīs* — تليس

daftar Arabic ىلىس

How many times might absence of pointing have caused a problem which we cannot now detect? And how legible were the *dīwān's* in-house records? There are a couple of rare examples from Norman Sicily which indicate how note-hand *dīwānī* scripts might have appeared when scribes were writing Arabic to themselves and which shed a little light on the question of clarity and pointing.

Some remarks about the use of pointing in noteform hands

On the verso of a royal *jarīdat al-rijāl* issued to Walter Forestal in 1145, we find three separate notes in Arabic. Note one, on the verso at the top left reads *Gh.rtīl F.rstāl*, an Arabicised version of 'Walter Forestal' in which only the *yā᾽* was left unpointed.[31] Note two, written by the hand of another *dīwānī* scribe, appears towards the bottom right above the fold

manuscript Arabic on the Latin, thus reading *maḍīq y.lb.s.* On the particular connotations of *tillīs* in Sicily, see the helpful discussion in Johns 2002, appendix 3: 326–28 inspired by the observation in Maqrīzī's (d. 845/1442) *al-Mawā῾iz wa-᾽l-i῾tibār fī dhikr al-khiṭaṭ wa-᾽l-athīr* that King Roger II's *kunya* was Abū Tillīs. A minor addition to this discussion is the observation that the term *tillīs* is attested figuratively in a modern Egyptian expression *qā῾id zayy al-tillīs* where the implication is again that the sack is a full one. See Badawi and Hinds 1986: 135. Other attested occurrences of *maḍīq*s in the *jarīda* are mainly named after people and places: *maḍīq Manzil Lu᾽lu᾽* (in the estate of Qurūbnish al-Suflī) = strictum menzelleuleu (68/264); *maḍīq Ibn Rizq Allāh* (in Raḥl al-Waṭā) = strictum rescalla (71/266); *al-maḍīq alladhī fīhi al-sayyālī* (in Raḥl Ibn B.r.ka) = mudíca ubi stillat aqua (80/273); *maḍīq al-Ṣaqāliba* (in the *magna divisa* of Corleone) = mudica sicalbe (147/321); *maḍīq ῾Iyāḍ* (also in *magna divisa* of Corleone) = mudíca yad (151/324). Also of note is the estate of *al-Maḍīq* attested in the 1183 *jarīdat al-rijāl* at line 129.

31 غرتل فرستال

of the plica and reads *jarīda li-Gh.rtīl F.rst.l* where the *ghayn* is unpointed.[32] Most, but not all, of the remaining consonants are pointed, with the *fā'* being in the 'Maghribi' style below the line.[33] The third verso note serves as a pair of authentication marks written across the seam and as such are not strictly in-house notes but rather can be counted as having a more formal role in *dīwānī* diplomatics. Although none of the notes is long enough to allow links to be made with certainty between any of the hands used on the verso and the main body of unpointed Arabic text on the recto, a comparison of the renditions of the name Walter Forestal points to a different hand in each case, coupled with incomplete pointing.

Light from a slightly different direction comes from an unpublished paper fragment measuring 10.4cm × 8.3cm. which was discovered in the Cappella Palatina over ten years ago by Monsignor Benedetto Rocco and which appears to be a draft inventory of books written in Sicilian Arabic.[34] The titles were mainly Latin but had been roughly transliterated into Arabic and included works on Christian prayer, poetry, genealogy, calendars (of unknown type), and a copy of the Canticum Canticorum. The pair of calendars faintly suggests a 'library' collection rather than a personal one. The works do not appear to have been arranged in any obvious order, and the reference to a "book about poetry in two parts" (or "in two chapters") suggests that this fragment was part of a stock-taking exercise using only cursory notes, rather than being part of an attempt to construct a detailed catalogue. In support of this, the writing on the recto is set at a 180 degree angle (i.e. upside down) relative to the writing on the verso, again typical of a draft version.

The fragment bears no date and cannot be dated with certainty from the information it contains. However, there is some evidence to suggest

[32] حريده لعرتيل ڢرستل

[33] 'Maghribi' or subscripted pointing on the letters *fā'* or *qāf* commonly appeared as a feature of private Sicilian documents of this period and less frequently in *dīwānī* documents, see Johns 2002: 275–7. Among others, unambiguous examples can be seen on a copy from 1149 made by a royal scribe called 'Uthmān published by Johns and Metcalfe 1999: 244–5 (= *Dīwānī* 29). There was also at least one example of subscripted pointing in Yūsuf's Arabic of the Monreale 1182 *jarīdat al-ḥudūd*; on *al-shārif* at line 238.

[34] Photographs of the fragment were reproduced without detailed comments, translation or transcription in *L'età normanna e sveva in Sicilia: mostro storico-documentaria e bibliografica*: Assemblea Regionale Siciliana, (Palazzo dei Normanni, 18 novembre–15 dicembre 1994) Palermo, 1994: 220–21. Note also that a loose piece has been reversed in the published photographs. I would like to thank Giuseppe Mandalā for his helpful comments on this fragment.

an association with Maio of Bari who was first attested in the chancery as *scriniarius* (archivist) in 1144 but who had held the office of *amīr* of *amīr*s during the reign of William I (r. 1154–66) when he was murdered in November 1160. For instance, the fragment mentions a book of the ancestors of Māyū as well as a commentary on the Lord's Prayer. Maio himself is known to have written a similar commentary for his son, and his lineage was a topic of discussion for his detractors, suggesting that if these works are to be linked with him, then they may have been among those kept in the palace after the mid-1140s.[35] A further indication of the date is provided by the titles themselves since many of them were said to be in poor condition perhaps due to natural ageing or, more likely, because they had been damaged during the ransack of the palace in March 1161, when the *dafātir al-ḥudūd* were also reported to have gone missing—indeed, at least some of them might have. Four titles on the fragment are struck through with a single stroke, indicating that the list had been checked. Alternatively, given the peculiar context of this list with so many works in poor condition together with the proposed historical context that the list was made after the sacking of the palace, it is possible that these could no longer be found or had been thrown away. Publication of this fragment with a full commentary will, of course, greatly enhance its value and allow a wider discussion to take place. However, as far as this article is concerned there is sufficient evidence to believe that the script in which it was written was not intended to be seen in the same light as that of a 'public' *dīwānī* document. Rather, it represents the longest example of the style in which Arabic scribes in the royal palace wrote for their own purposes. In the case of the Cappella Palatina fragment, pointing was infrequent and there are no signs of vocalisation, although a *rāʾ* appears to be marked as such with a caret. Such reading aids would have been all the more important in this case given that the scribe was transcribing from a non-Arabic source in many instances. These observations seem to me not inconsistent with the inference that the *daftar* Arabic may have been composed along similar lines with limited pointing. The evidence such as it is suggests that when *dīwānī* scribes wrote to themselves the diacritical apparatus they used did not exceed that of the finalised texts to be issued as confirmations

[35] Despite being the son of a well-established royal judge from Bari, Maio was twice derided for his 'lowly' origins in the *History* of 'Hugo Falcandus' where he was described as *humili ortum genere* and that *pater oleum Bari vendere consueverat*. See *La Historia o Liber de Regno Sicilie di Ugo Falcando*: 7, 17. Translation and notes, Loud & Wiedemann 1998: 16–19, 60 and 69. For his commentary on the Lord's prayer, see Matthew 1992: 119–44.

of grants. Minor features which were not apparent in note-form hands were the occasional use of subscripted minuscule letters or superscript marks added for clarification of the relevant consonant.[36]

Concluding remarks

Variously inferred conclusions with different degrees of caution might be proposed. The Arabic of the *daftar*s may not always have been pointed or clearly pointed. The Arabic of the manuscript, while copied from those *daftar*s, was not always copied carefully or confidently. The Latin, on the other hand, had been translated and transliterated in a quirky and not always accurate fashion from the *daftar*s but most likely with extra clarifications and minor qualifications which were not contained in the same *daftar* source. This then served as the primary version for future reference rather than the *daftar* Arabic or the manuscript Arabic of the original confirmation. While these conclusions may appear somewhat underwhelming and not entirely unexpected, being able to the demonstrate them is a different matter. That said, such observations may in future come to play a part in a much wider debate about the transmission of toponyms from the twelfth century to later periods when the Muslims had gone from Sicily, few if any could decipher the *dīwānī* Arabic script properly, and no one recognised all the names of the Latin localities as they appeared in the documents which served to confirm rights and privileges over the places mentioned.

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[36] In addition to the examples cited, there exists a bilingual (Greek-Arabic) boundary definition from 1141 which confirmed the lands held by the church of S. Giorgio di Triocalà. Although this has been described tentatively as a 'working draft' (see Johns, appendix 1, *Dīwānī* 15), it was clearly written in a finished *dīwānī* script and not in a note-form hand.

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EGYPT

THE ECONOMICS OF STATE FORMATION IN EARLY ISLAMIC EGYPT

Gladys Frantz-Murphy

As in most pre-industrial societies, the key to state formation in Egypt was securing access to agricultural tax revenues. This study correlates evidence from two disparate sources to paint a more accurate picture of the evolving methods used by successive Muslim fiscs to secure control of agrarian revenues.[1] Late, opaque narrative sources are correlated with papyrus documents that are contemporaneous with the information that they record. This correlation of later narrative with contemporaneous papyrus evidence reveals a system developed by imperial officials in the early Abbasid period, a system that would be taken over by non-Arab Muslims resident in Egypt in the third/ninth century. And in the mid-fourth/mid-tenth century, this administrative system would become the economic basis of an autonomous Egyptian state under the Fāṭimids. This brief presentation will extend only into the late-third/ninth century.

The following divides the economics of state formation in the first 200 years of Islamic Egypt into three distinct phases. During the early Umayyad phase (40–86/661–705), agrarian fiscal administration was indirect, through the Coptic church. Beginning in 86/705, attempts to directly administer agrarian taxes provoked tax revolts in the course of the late Umayyad phase (86–132/705–50). Finally, in the early Abbasid phase of state formation (132–212/750–827), a new ethnic group of fiscal administrators, direct fiscal administration, and a change in tax status provoked the Arabs as well as Copts to revolt. During each of these three phases of state formation, the following will address four issues—the rulers of Egypt, fiscal administrators, record keeping and formulary, and tax status—each as reflected in narrative and papyrological sources. The focus of this investigation will be on the procedures by which centralized control of agrarian revenues was implemented.

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[1] This article is a summary of findings published and more fully documented in *CPR* XXI.

Early Umayyad 40–86/661–705

The earliest narrative sources from Egypt date from about 288/900, while Arabic papyri begin two years after the conquest with a bilingual document dated 23/643.[2] The earliest Egyptian historian to provide information on Umayyad administrative practices, Muḥammad ibn Yūsuf al-Kindī, wrote in the early fourth/tenth century.[3] The papyri reveal that his testimony alone does not give us an accurate picture of Umayyad administration.[4] For example, he does not know the terms for the basic agrarian taxes that are attested in the papyri from the Umayyad period, a century and a half before he wrote. Kindī uses terms that were current in his lifetime rather than those that are attested in the earlier papyri. And since Kindī is the basic source for all later narrative accounts of Umayyad administration in Egypt, later sources should be considered with caution. Narrative church histories were also written in the fourth/tenth century. While also late, opaque and biased, Coptic church histories are wholly independent of the Arabic and so offer a control. A church historian who provides some information on Umayyad administration, Sawīrus (d. between 369/979 and 393/1003),[5] uses the same anachronistic administrative terminology as does Kindī. Nevertheless, references to Umayyad administration in these late narrative sources can be contextualized when correlated with the papyri. The papyri provide a critical control on later narrative histories, as the papyri were intended only to secure the interests of those who wrote them, or of those who had them written.

State formation in Egypt was overwhelmingly dependent on irrigation agriculture. The breakdown of central administration in Egypt over a century before the advent of the Arabs is clearly manifest in the papyri.[6] Coming from Arabia, where there was no tradition of centralized agrarian administration, the earliest Arab Muslim administrators

[2] Rāghib 1996: 8–12 and fig. 1 (and see n. 10 for citations of its earlier publication).

[3] Kindī (d. 350/961), *The Governors and Judges of Egypt*.

[4] For the speciousness of the centralization attributed to Umayyad administration in this early period by the Traditionists, see Noth 1994: 12, 48–53, 55–7. Nabia Abbott (1938: 62–7) has discussed papyrological evidence that belies later Abbasid characterizations of Umayyad rule.

[5] Sawīrus (d. between 369/979 and 393/1003), *History of the Patriarchs*.

[6] As an example, the breakdown of the system of state-administered courts a century prior to the advent of the Arab Muslim invaders is documented by Schiller 1952; see also Frantz-Murphy 2003.

could have brought with them no experience in the administration of a centralized agrarian economy such as Egypt's; and the sole surviving institution at the time of the Arab conquest was the Coptic church. Therefore, it should come as no surprise that the Arab conquerors and the early Umayyad rulers relied on the Coptic church for fiscal administrators. Both narrative and papyrological sources attest to the Coptic establishment having played a major role in initial attempts at the restoration of centralized administration.

The restoration of the Coptic patriarchate by the Muslim rulers, after more than a century of civil and religious persecution under Greek rule, indicates cooperation between the new Muslim rulers and the Coptic church during the early Umayyad period. Coptic church officials acted as intermediaries between the Muslim fisc and the Christian taxpayers. And Coptic village headmen acted as assessors and collectors at the local level, as is attested in the papyri and ostraca.[7] Likewise, Kindī tells us that records of fiscal administration were written in Coptic until the late Umayyad period.[8] Formulary in administrative documents indicates the continuation of pre-Islamic communal liability (assessment and collection) through the early Umayyad period.[9] Technical terminology in the papyri attests the arabization of earlier Greek terms, for example, *qusṭāl* for the Greek ζυγοστάτηϲ, the receiver.[10] This arabized Greek term would be displaced only in the early Abbasid period by a Persian term, *jahbadh*, the cashier.[11] *Māzūt* (pl. *mawāzīt*) from the Greek μείζων/μιζότεροϲ ("village headman") is also well attested.[12] Other arabized Greek terminology includes *sijill*, meaning a seal in Greek. The "seal" used to seal documents came to be the Arabic word for the document itself in the early Umayyad period, and then the official register of assessment and collection in the Abbasid period.[13]

[7] A Coptic papyrus dated 710 (*P.Lond.* IV 1572), and in a Coptic ostracon dated 721–2 or 736–8 (Gascou 1979, no. 1, cited in Frantz-Murphy 1999: 243).

[8] Kindī, *Governors and Judges*: 58f.

[9] Communal assessment had been the practice since the conquest; see Butler 1978: 439–46; Milne 1924: 105 and 145; see also Frantz 1978: 219–20.

[10] The *qusṭāl* is attested in the Qurra papyri in 90/708, see *CPR* XXI, pp. 121f.

[11] *CPR* XXI, p. 48, citing *CPR* XXI 61.11 (dated 259/874).

[12] In the Arabic papyri, the *māzūt* is attested from the early Arab period into the early Abbasid period, as late as 788; see Grohmann 1957: 18 n. 8.

[13] For *sijill* in a Greek letter of the early Umayyad period (dated 17 Oct. 697), see Gascou and Worp 1982: 83–95; see also Bell 1926: 273 (line 13), and p. 274 where it is translated "firman." *Sijill* as "register" is first attested in a lease dated 212/827–8; see *CPR* XXI, p. 112.

As already indicated, late narrative sources use anachronistic fiscal terminology when referring to the Umayyad period. Sawīrus informs us that Athanasios, a Christian official, was appointed to head the bureau (*dīwān*) of *kharāj*.[14] And both he and Kindī refer to heads of the *dīwān al-kharāj* during the Umayyad period. But in the papyri, the term *kharāj* is not attested during the Umayyad period. The term is, however, well attested in documents from the fourth/tenth century, the period in which both narrative historians lived and wrote. Furthermore, late narrative sources attest great confusion as to the tax status of land in Egypt at the time of the conquest, while contemporary papyri provide no information as to the tax status of anyone, or of any land, before the early Abbasid period.

Late Umayyad 86–132/705–50

It is only in the late Umayyad phase, 86–133/705–50, that narrative sources and the papyri indicate a radical departure from previous practice. The reaction of the Coptic establishment when their control of the fisc ended in 86/705 evidences that they had previously benefited from surplus agrarian revenue. Only after control of the fisc was removed from Athanasios, a Christian official, and put into the hands of a Syrian Arab, do Christian narrative sources from Egypt begin to report abuse of the Coptic church by the Muslim administration.[15] What these reports reflect is the process of the dispossession of the Coptic church by the Muslim ruling elite. Kindī reports that the governor of Egypt, ʿAbd al-ʿAzīz ibn ʿAbd al-Malik, the caliph's brother, next changed the administrative language in Egypt from Coptic to Arabic. As Kindī puts it, "He was in charge of the registers (*dawāwīn*). They were copied into Arabic. Before that they were written in Coptic. And he dismissed Athanasios [the director of *kharāj*] from the registers (*dawāwīn*) and put in his place al-Fazarī from the people of Ḥimṣ," a Syrian Arab.[16] With the district registers in Arabic and with an Arab in charge of the registers, the Arab Muslim fisc began to gain control over local assessment and collection.

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[14] Sawīrus, *History of the Patriarchs*: 48; cf. Duri 1983: 323–7.
[15] Sawīrus, *History of the Patriarchs*: 50–2.
[16] Kindī, *Governors and Judges*: 58–9; Sawīrus, *History of the Patriarchs*: 48.

Also in the late Umayyad period, papyri written in Arabic indicate a radical departure from previous practice with the sudden appearance of administrative documents attesting entirely new formulary and fiscal procedures. Among these innovations is the sudden introduction of individual liability, by 95/715 as attested in the papyri in a bilingual tax receipt.[17] This bilingual receipt is of particular interest because it attests two entirely different formularies in the two languages. The Arabic is not a translation of the Greek, and the Arabic is without precedent in pre-Islamic Egypt. As I have argued elsewhere, a key element of its formulary, *bariʾa* ("to remove"), does have good pre-Islamic and continuous Mesopotamian precedents.[18]

The fisc had not yet successfully devised a method of channelling tax returns to itself instead of to local Coptic officials. And so, in 99/717, the governor decreed that village heads, who we know from the papyri assessed and collected taxes, should be Muslims.[19] Replacing Coptic village heads with Muslims, along with assessing taxes directly on individuals, rather than indirectly on communities, and record keeping in Arabic, was necessary for the reconstitution of a centralized fiscal administration by the Muslim rulers. This was a very slow process, since by all accounts there were so few Muslims, or Arabs (the two being synonymous in the early Umayyad period in Egypt), but Kindī relates efforts to redress this problem.[20]

Sawīrus tells us, and the papyri confirm, that in 105/725, ʿUbayd Allāh ibn al-Ḥabḥāb (in office 105–17/725–35), whom Kindī refers to as the governor (*ṣāḥib*) of *kharāj*, not of Egypt (noting the anachronistic use of the term *kharāj*), undertook a complete cadastral survey.[21]

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[17] P. Vindob. G 39744; *CPR* XXI, pp. 89–90; see Frantz-Murphy (forthcoming), citing Gonis 2001: 225–7.

[18] Frantz-Murphy 1988.

[19] See Kindī, *Wulāt Miṣr* (ed. Ḥ. al-Naṣṣār): 90, for correction of the misreading of *mawāzīt* as *mawārīth* ("inheritances"), found in the earlier edition of R. Guest (Kindī, *Governors and Judges*: 69), which follows Casanova 1906: 167 in his translation of Maqrīzī's *Khiṭaṭ*. Abbott 1938: 56 had already suggested the corrected reading.

[20] Sawīrus, *History of the Patriarchs*: 67–71 provides an account of officials and events following the governorate of Qurra (in office 90–6/709–14). He reports a survey of the provinces of Egypt recorded in Arabic and that the new caliph, ʿUmar, "removed *kharāj* from the estates of the church and the bishops," continuing with an account of what must be a reference to ʿUmar's fiscal reforms. Sawīrus reports that caliph Yazīd (r. 101–5/719–24) reimposed *kharāj* on the church and bishops. See also Gibb 1955.

[21] Sawīrus, *History of the Patriarchs*: 74–5. ʿUbayd Allāh's career is poorly documented, surprisingly even by Kindī. As noted by Morton 1985: 72, Azdī reports that his appointment began in 725–6; cf. Abbott 1965: 21–35 (esp. 26–31) for his Egyptian appointment as early as 105/723. He was director of *kharāj* from 105–6/723–4 and deputy governor

"A census was taken of the people by name and age, animals by young and old; lands and vineyards were measured with measuring lines, as were devalued lands difficult to cultivate because overrun with esparto grass and thorns. He set up milestones in the midst of fields, on the borders and the roads in all of Egypt."

Kindī implies that it was as a result of this survey that, "ʿUbayd Allāh wrote to caliph Hishām (r. 105–25/723–42) that Egypt could stand an increase."[22] He also says that in 107/725, "he [ʿUbayd Allāh] increased each *dīnār* a carat" (an increase of just over 4%). Sawīrus puts the increase at three carats. Whatever the rate, in conjunction with the replacement of Coptic village officials, the increase provoked the first Coptic tax revolt, which broke out that same year.

On the heels of the cadastral survey, tax increase, and tax revolt, Kindī tells us that the governor, al-Ḥurr ibn Yūsuf (in office 105–9/723–7), in consultation with caliph Hishām, the capital being then in Damascus, relocated Syrian Arabs to Egypt, settling them in the eastern Delta, which he reports as being under populated.[23] And Arab Muslims, on the basis of their names and patronymics, are attested as agrarian taxpayers in the earliest administrative documents that are wholly in Arabic and that date from the next phase, in the early Abbasid period (156–212/772–827).

Early Abbasid 132–212/750–827

In the third period, the early Abbasid, papyri and narrative sources indicate a radical break with previous fiscal personnel and procedures. First, Abbasid rulers increasingly drew on the administrative experience of the former Persian empire. Persian fiscal administrators were appointed to Egypt, both to the central administration and at the provincial level. These officials brought with them the living Mesopotamian heritage of centralized agrarian administration.

from 107–14/725–32. He is attested as *amīr* in two work permits: *P.Cair.Arab.* III 175.3 (dated 112/730–1) and *P.Cair.Arab.* III 180.3 (dated 113/731–2); cf. *CPR* XXI, p. 107. For his later North African career, see Khoury 2000: 762. The papyri provide documentary confirmation of his survey; see Abbott 1965: 22–5 and pl. 1 (dated 19 Aug. 724).

[22] Kindī, *Governors and Judges*: 73.

[23] Maqrīzī, *Kitāb al-Mawāʿiẓ*: 1, 80. Abbott 1965: 29 reports this settlement as "a successful agricultural colony."

The problem for the Abbasid rulers of Egypt was that by the time of their takeover of Egypt's administration in 132/750, Arab immigrants to Egypt had already held possession of former church, imperial, and reclaimed lands for a quarter of a century. Abbasid administrators in Egypt, now ethnic Persians, would, therefore, have to assess and collect tax from these Arab Muslims. Bear in mind that Kindī tells us that these Arab Muslims themselves, or their fathers or grandfathers, had taken part in the conquests.[24] With such a genealogy, the Arab Muslims, whom we may now designate 'Egyptians,' would have resisted being subjected to the same tax as their non-Muslim neighbours, which, according to the Arabic documents, they were. The earliest Arabic documents do not indicate, nor do any later administrative tax manuals, any tax differential based on confessional status.

But, in an attempt to try and establish when such a difference was introduced, we may return to the term *kharāj*, which juridical sources (all late) indicate designated the non-Muslim tax rate. The earliest dated attestation in the Egyptian papyri of *kharāj*, the jurists' term for land conquered without treaty, and, therefore, non-Muslim land subject to a higher rate of taxation, is in a tax receipt dated 156/772, twenty five years into the Abbasid period.[25]

Eleven years after this first attestation of this juridical term, Kindī tells us that, "in 167/783 the governor of Egypt [who was Persian] doubled the amount owed, for which each *faddān* had been contracted."[26] The result of his action was the first in a series of now Arab tax revolts, which would continue for half a century, until Arabs were, on orders of the caliph al-Mahdī, "not to be given contracts."[27] Perhaps Kindī's allusion to the doubling of agricultural 'tax' in 167/783 is a reference to *kharāj* being assessed for the first time on Muslim Arabs. Perhaps earlier it had been assessed only on Christians. In the receipt which first attests the term *kharāj*, a Muslim guarantor delivers *kharāj* on behalf of a Christian taxpayer. The earliest attestation of a Muslim directly liable for *kharāj* is in the earliest intact lease, which is dated twelve years later in 179/795.[28] Thereafter, in 26 of 29 leases in which the first name and

[24] Kindī, *Governors and Judges*: 130.
[25] David-Weill 1971: 12–15.
[26] Kindī, *Governors and Judges*: 125, and see *CPR* XXI, p. 28.
[27] *CPR* XXI, pp. 27–8.
[28] *Chrest.Khoury* I, no. 66. There are several earlier, but fragmentary, official leases dating from ca. 159–178/ca. 776–794; cf. *CPR* XXI, table 1 (p. 56).

patronymic of the person liable for *kharāj* are both intact, it is a Muslim who is directly liable for the *kharāj*. Bear in mind that only the juridical literature alludes to a reputed tax differential based on confessional status, not the administrative manuals and not the papyri.

Finally, in an actual piece of correspondence dated nine years after the first attestation of a Muslim liable for *kharāj*, in 176/792, a letter written on papyrus (i.e. not a report of the contents of a letter in a narrative source, but the actual letter), we have what may well be a reference to the Abbasid redefinition of Egypt's tax status. Following an Arab tax revolt against a Persian fiscal official who had just cut the Syrian Arabs' military stipends, the executive of the interim governor asserts that the governor and the caliph had jointly adjudged the land of Egypt to be *fay*ʾ, meaning that it belonged to the Muslim community and was thus subject to additional taxation.[29] It is important to note that the governor's executive had found it necessary to reiterate in 176/792, 150 years after the conquest of Egypt, that Egypt's land was *fay*ʾ land. Had Egypt's land been so defined since the time of the conquest, a century and a half earlier, why would it have been necessary to reassert this fact 150 years later? This fact would have been well established.

The earliest attestation of a Muslim directly liable for *kharāj*, the first intact lease, also attests an unprecedented and reformulated statement of liability in the operative clause, a formulation which would become standardized, along with an unprecedented and systematic complex of formulaic changes, in this period.

Attempts to increase returns to the central fisc through direct collection from individuals who were themselves directly liable led to Arab revolts. Kindī implies that those revolts were greatly exacerbated by the fact that centralization was implemented by a non-Arab, Persian fisc that was seen by the Egyptian Arabs, who were themselves descendants of the original conquerors, as late converts and usurpers. Centralization in the early Abbasid period would have necessitated effectively dispossessing both Egyptian Christians and Egyptian Muslims through the redefinition of the tax status of Egypt.

Centralization of the administration in Egypt followed on the heels of the Abbasid revolution in the East. By all accounts, the Abbasid regime marked the rise of Persian tradition and personnel. And Persian tradition represented the continuation of Mesopotamian agrarian adminis-

[29] *CPR* XXI, pp. 28–9, 170, 171.

trative tradition. Bear in mind that I am using 'Persian' to denote the geographical area that had been, for over a millennium, culturally and linguistically Persian, whatever the ethnic or religious makeup of its inhabitants. In the Abbasid period, non-Arab Muslim officials in Egypt extended from the highest levels to local Persian 'clients.' Non-Arab Muslim officials are attested as fiscal administrators in the earliest Abbasid papyri from Egypt.

One Umayyad policy that the Abbasids initially did continue, according to Kindī, and which opened the door to the appointment of Persian bureaucrats in Egypt, was the practice of appointing an adult male relative of the caliph as governor of Egypt. Kindī also tells us that when an Abbasid prince, appointed as governor of Egypt, became too rapacious in his 'administrative' practice, he was replaced by another official from the eastern imperial capital, not an imperial prince. But the abusive prince was sometimes subsequently reappointed two or three times to the same position.[30] In order to combat the resident governor's abusive fiscal practice, and to increase fiscal returns to the imperial Abbasid capital in Baghdad, the non-imperial governors identified as 'Persian' by narrative sources and/or the Arabic papyri, began to assume fiscal authority.[31]

Significantly, dated papyri attest to the imposition of new administrative practices and procedures that are unprecedented in earlier documentation from Egypt, practices and procedures that correlate with the appointment of these Persian administrators. These changes in administrative practice and procedures, therefore, probably reflect the introduction of Persian administrative practice. Besides the replacement of Greek administrative terminology in the papyri by Persian, subsequent to their appointment in Egypt,[32] a complex of systematic changes in the documentary formulary of agricultural tax receipts and leases is also attested. The complex, detailed in *CPR* XXI, included eight formulaic changes that spell out liability and responsibility. That complex is attested concurrent with the appointment of a Persian, Ṣāliḥ ibn Shirzad to oversee the *kharāj* of Egypt in 212/827.[33] This complex of

[30] *CPR* XXI, pp. 170–2, 177.

[31] For Khurasanian 'clients' of the caliph, or from some other territory which had been part of the Persian empire, and who would have been linguistically Persian, see Guest 1973.

[32] *CPR* XXI, p. 81 for citations.

[33] *CPR* XXI, chapters 1 and 2.

systematic changes is normative in the Arabic papyri thereafter, and it is without precedent in Umayyad or in pre-Islamic Egypt.

Continuing Coptic tax revolts, which had begun in 107/725 during the late Umayyad period, were joined by Arab-Muslim tax revolts beginning in 163/783 during the early Abbasid period. The combined Christian-Muslim tax revolts correlate with the introduction of this complex of systematic changes in administrative formulary. But these changes in formulary and the changes in the relationship between the state and the individual taxpayer were not the only changes behind those continuing tax revolts. A more fundamental administrative change attested in the papyri at this time is the redefinition of the tax status of Egypt. The redefinition of Egypt's tax status, as was argued by the late Albrecht Noth, was critical to the reestablishment of central control over Egypt's agrarian revenues and the attempt to funnel those revenues to the imperial fisc.

Kharāj *in the Arabic papyri from Egypt*

Key to understanding the posited redefinition of Egypt's tax status is the attestation of the term *kharāj* in the Egyptian papyri. All later narrative sources evidence confusion as to the tax status of land in Egypt. At some point in time, all land conquered by the Muslims was defined as either conquered 'with treaty' or conquered 'without treaty.' The question is, when was land so defined? And when did that definition affect land in Egypt? According to tenth-century juridical literature, this definition was contemporary with the conquests and, as a result of this definition, land conquered 'without treaty' became the property of the Muslim community, *fay'* land.[34] Such land was designated *kharāj* land for tax purposes by tenth-century jurists. As such, it was subject to taxation at the discretion of the caliph. And land conquered by treaty was subject to a different tax status. But in the hundreds of papyri dating from the Arab conquest through the Umayyad period and originating from Egypt, the jurists' term for land conquered 'without treaty,' *kharāj*, remains unattested.

Eastern narrative sources shed light on the confusion in the narrative sources with regard to the status of land in Egypt. For example, as early

[34] *CPR* XXI, p. 25, n. 13.

as 45–54/665–73, thirty years after the conquest, narrative sources report that the Umayyad governor of Iraq, Ziyād ibn Abīhi, was unable to determine which land in his jurisdiction had been conquered 'with treaty' and which 'without treaty'.[35] For our purposes, if, thirty years after Iraq's conquest, its governor reputedly could not determine which land in his jurisdiction was conquered with or without treaty, we may conclude that jurists establishing the written canon of legal Traditions two hundred years later were not on firmer ground. Noth concluded from this narrative report that this was because there was no clear distinction at that time between land conquered with or without treaty. That distinction, he argues, represents later government decisions and not the actions of the original conquerors. Thus, all Traditions that date the definition of the legal status of conquered land to the time of their initial conquest are suspect.

And Noth's argument is based on the fact that the earliest that any Tradition stating that Egypt had been conquered 'without treaty' can be traced back to is between 96/714 and 123/740, the late Umayyad period. The following narrative from Kindī, reputedly based on caliphal correspondence, discusses the treaty status of newly emergent land in Egypt and fits into this context of spurious Traditions:

> The governor of Egypt, al-Ḥurr ibn Yūsuf (in office 105–109/723–727), wrote to caliph Hishām (in Damascus) informing him that the Nile had receded from land that did not belong to Muslims and did not have a treaty. The caliph authorized building a caravanserai on the embankment (*jisr*), since the people were in need of one. Its building began in *Rajab* 107 (12 Nov.–11 Dec. 725) and was completed in 108 (726).[36]

This report fits into the time frame of spurious Traditions. And reference to land that "did not belong to Muslims and did not have a treaty" reflects that there was already confusion in the Traditions when Kindī was writing, roughly contemporary with the codification of those Traditions that purport to demonstrate the tax status of Egypt at the time of the conquest.[37] According to Kindī's narrative, non-Muslim land

[35] Noth 1984: 225.

[36] Kindī, *Governors and Judges*: 74.

[37] Noth 1984: 223–8; Noth 1973: 150–62. Numerous justifications for land being redefined as *kharāj* land were advanced. Which justifications were valid was debated among the juridical schools. Wasteland that had been reclaimed was one such category. Other debated justifications for defining/redefining the tax status of land included the religion of the original inhabitants, whether the inhabitants had voluntarily become

that did not have a treaty was treated differently than was land that had a treaty. While Kindī does not attribute this particular remark to any source, it sounds rather like a Tradition projecting the tax status of Egypt back into the conquest period.

The juridical term for land conquered without treaty was *kharāj*. And since the juridical literature on *kharāj* dates only from the Abbasid period, i.e. post-132/750, we must conclude that this definition was first arrived at only during the Abbasid period, and that this definition was then projected back two hundred years into the conquest period. The fact that the term is of Mesopotamian origin further indicates an Abbasid innovation.[38] And the term is attested some ten years earlier in documents from northern Afghanistan than in documents from Egypt. Furthermore, Sims-Williams, as noted above, cites attestations of the term in pre-Islamic documents from Afghanistan written in Persian, Middle Persian, as well as in cuneiform documents written in Babylonian, as cited above. Finally, since there is not a single attestation of this later juridical term in the papyri from Egypt until over 130 years after its reputed introduction, we must conclude that its introduction into Egypt did not date from the conquest period and was a later introduction.

Conclusions

The papyri from Egypt, which are contemporary with the actual agrarian administration, when correlated with the later narrative histories of Egypt, enable us to sort out the confusion in juridical and historical narratives. Narrative evidence, interpreted in the light of the papyrological evidence, leads to the conclusion that it was the Abbasid administration that redefined the tax status of land in Egypt. That the administration centred in Mesopotamia introduced the term *kharāj* into Egypt is clearly supported by the evidence of the papyri. The papyrological evidence further supports that it was Persian personnel who introduced the term.

Muslims, the religious status of the current landholder, religious status of the lessee, and whether the land was irrigated by water from *kharāj* land. Land could also be redefined at the discretion of the imam; cf. Tabatabai 1983, ch. 2, especially 85–90, and ch. 3; Noth 1994: 49.

[38] For its millennia-long Mesopotamian etymology, see Sims-Williams 2002: 227–8, and see Frantz-Murphy 1999: p. 247, n. 49, for additional references to the Akkadian origins of the term.

The process of state formation in Egypt of necessity drew on Mesopotamian administrative practice. This was because Mesopotamian administrative tradition was continuous from antiquity through the Sasanian Persian empire up to the Arab conquest, as demonstrated in the work of Morony.[39] Coming from Arabia where there was no tradition of centralized agrarian administration, the earliest Arab rulers could have had little or no experience with the centralized state administration of an economy almost entirely dependent on irrigation agriculture. The formation of a separate fiscal and soon-to-be political entity in Egypt then drew on Mesopotamian administrative practice, as that practice had been continued through over a millennium of Persian cultural and linguistic domination, through the appointment of Persian personnel to Egypt.

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[39] Morony 1984: 51–4 traces the career of the former Sasanian bureaucrats responsible for this continuity. See also pp. 69–70 for an actual Sasanian register written in Persian immediately available to the Arab conquerors. Administrators from the East, who may be identified as al-Khurāsānī, or al-Mawṣilī, and whose titles included 'client,' are identified as Persian, i.e. they were appointed to Egypt from what were formerly Persian provinces, in which Mesopotamian administrative tradition would have continued.

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L'APPORT DE PAPYRUS POSTÉRIEURS À LA CONQUÊTE ARABE POUR LA DATATION DES OSTRACA COPTES DE LA TOMBE TT29

Anne Boud'hors

Depuis 1999, l'équipe de la MANT (Mission archéologique dans la nécropole thébaine), dirigée par Roland Tefnin, professeur à l'Université Libre de Bruxelles, fouille la tombe du vizir égyptien Aménémopé (*ca.* 1450 B.C.E.), située sur la rive gauche de Louxor, dans la 'vallée des Nobles', sur la colline de Gourna. Cette tombe thébaine (TT) porte le n° 29 dans la nomenclature générale des tombes de la région. Après avoir dégagé dans la cour de la tombe les ruines d'une maison du début du vingtième siècle, les archéologues ont atteint directement la 'couche copte': quelques restes de murets en briques crues et ceux d'une structure enterrée, également en briques crues, qu'ils ont identifiée comme une fosse ayant contenu un métier à tisser, de même type que les fosses trouvées sur les sites tout proches du monastère d'Epiphane[1] et du *topos* de St Marc à Gournet Mourraï.[2] Ils ont également trouvé plusieurs centaines d'ostraca coptes, en poterie et en calcaire, de la céramique et les restes de divers objets mobiliers. A l'intérieur même de la tombe, d'autres structures en briques crues d'environ 10cm. de haut ont été dégagées dans la salle transversale, et d'autres ostraca sont apparus par centaines,[3] tandis que dans le couloir menant à la chambre funéraire, des graffiti coptes ont été repérés lors de la mission d'étude de février 2004. Enfin, lors de la campagne de 2003, l'équipe a trouvé dans la salle transversale un grand bassin en pisé sous lequel étaient entassés un grand nombre de débris de papyrus.

La publication des ostraca et des papyrus a été confiée à Chantal Heurtel et à moi-même. Nous avons déjà eu plusieurs occasions de parler de ce dossier,[4] à plus d'un titre passionnant puisque, pour une

[1] Cf. Crum & Winlock 1926.

[2] Fouilles françaises (IFAO) des années 1970, dirigées par Georges Castel et en cours de publication.

[3] Le nombre total des ostraca du site, avant les raccords effectués en février 2004, s'élevait à environ 1200.

[4] Cf. Heurtel 2002; Boud'hors & Heurtel 2002; Boud'hors 2002; Boud'hors & Tefnin 2002; Heurtel 2003.

fois, des ostraca thébains sont trouvés dans leur contexte archéologique, et que le principal habitant de ce site semble avoir été un personnage déjà connu par quelques textes, un certain *Frangé* (*Franké, Franka, Frangas*), probablement une sorte d'ascète qui pratiquait le tissage et la reliure. Au vu de la mission d'étude de 2004, il apparaît qu'au moins la moitié des ostraca se rattache à ce dossier (que j'hésite encore pour le moment à appeler 'archive'), qui est constitué de messages écrits par ou envoyés à *Frangé*. Bien des questions se posent à son sujet, parmi lesquelles celle de la datation m'occupe ici. De la réponse à cette question dépend en effet la pertinence de ce dossier dans la thématique du colloque. Or, après avoir pensé un certain temps, en suivant l'avis de W.E. Crum, que l'ensemble de cette documentation était à situer avant la conquête arabe, je suis aujourd'hui en mesure de me ranger à l'opinion de T. Wilfong, qui penche pour le huitième siècle, et d'apporter à cette opinion l'appui des débris de papyrus examinés en février 2004.

I. *Les datations divergentes de Crum et Wilfong*

Sur le site du monastère d'Epiphane (à quelques centaines de mètres au nord-ouest de TT29), quelques ostraca de *Frangé* avaient été trouvés. Crum n'avait pas manqué de les remarquer et de souligner le style particulièrement ampoulé des lettres. Pour dater le personnage, il s'appuyait sur des allusions à une situation d'épreuve qu'il identifiait comme l'invasion perse (619), ce qui l'amenait à proposer le premier quart du septième siècle.[5] Cette datation était d'ailleurs cohérente avec celle de l'ensemble des textes du site, puisque, d'après Crum, l'absence dans ces textes de l'écriture cursive typique des documents de Djémé[6] au huitième siècle permettait de situer l'extinction de ce site vers la moitié du septième siècle.

D'après Terry Wilfong,[7] cette argumentation est faible (l'allusion à une épreuve n'est pas assez précise) et ne résiste pas au témoignage de plusieurs textes manifestement plus tardifs, qui mettent en cause *Frangé*:

[5] Crum & Winlock 1926: 102–3; cf. *O.Crum* Ad. 63 et *P.Mon.Epiph.* 119.

[6] Ville copte installée dans le temple de Ramsès III à Medinet Habou, situé à quelques kilomètres au sud de la colline de Gourna.

[7] Cf. Wilfong 2002: 70–1, 120; Wilfong 2004: 550–1.

I.1. Dans *P.KRU* 38, l. 69, un certain *Efranké* (ⲉϥⲣⲁⲛⲕⲉ), fils de David, est témoin. Ce document, un règlement d'héritage, est daté de 738. Mais est-ce bien le même personnage?

a) On peut s'étonner de la graphie du nom avec le e- en tête, qui semblait jusqu'ici unique. Cependant on connaît maintenant, grâce à un ostracon de TT 29, la forme *Ebrangé* (ⲉⲃⲣⲁⲅⲅⲉ).[8] Il est vrai que c'est la seule occasion où *Frangé* serait en position de témoin dans un acte juridique. Cependant le nom, rarissime, invite à penser que c'est bien de la même personne qu'il s'agit.[9]

b) Il est difficile de se baser sur la filiation. Certes, *Frangé* écrit en une occasion à son père apa David, mais la phraséologie fait plutôt penser à une paternité spirituelle ou à un titre formel;[10] dans O.29344, il s'adresse à son frère David, dans d'autres textes il appelle 'pères' divers interlocuteurs.

c) Reste la paléographie. L'écriture de *Frangé* est généralement très caractéristique.[11] Mais d'après T. Wilfong, l'analyse paléographique du document n'est pas décisive.[12] Elle a effectivement peu de chances de l'être si on regarde le texte de près: ce n'est probablement pas *Efranké* lui-même qui a écrit son attestation, mais le témoin suivant, Anastasios, diacre de l'église de la Theotokos Marie, qui "a écrit pour ce témoin et est témoin lui-même."[13] Mais du coup surgissent d'autres questions: pourquoi *Frangé*, qui sait parfaitement écrire, s'est-il abstenu ici, et à quel titre figure-t-il dans cette liste de témoins qui comporte presque exclusivement des ecclésiastiques?[14] Est-il trop loin pour pouvoir venir

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[8] O.1789, où *Frangé* est le destinataire.

[9] L'emploi d'une voyelle prosthétique pour les noms peu familiers et commençant par deux consonnes n'est pas inconnu: on se souviendra par exemple que Platon est en arabe *Aflatūn*.

[10] ⲉⲡⲉϥⲙⲉⲣⲓⲧ ⲛϫⲟⲉⲓⲥ ⲛⲉⲓⲱⲧ ⲁⲡⲁ ⲇⲁⲩⲉⲓⲇ ⲛⲗⲁⲥ ϯϣⲓⲛⲉ ⲉⲣⲟⲕ ⲉⲙⲁⲧⲉ ⲉⲙⲁⲧⲉ ⲙⲛⲧⲉⲕⲥϩⲓⲙⲉ ⲙⲛⲛⲉⲕϣⲏⲣⲉ ("à son cher maître et père Apa David (fils) de Las. Je te salue très abondamment, ainsi que ta femme et tes enfants") : *O.Crum VC* 81.

[11] Cf. Boud'hors & Tefnin 2002.

[12] Le papyrus est conservé à la Bodleian Library à Oxford, sous le numéro Ms. Copt. a6(p). J'ai pu l'examiner à mon tour en septembre 2004.

[13] ⲁⲓⲥϩⲁⲓ ϩⲁ ⲡⲉⲓⲙⲁⲣⲧⲉⲣⲟⲥ ⲁⲩⲱ ϯⲱ ⲙⲙⲛⲧⲣⲏ. On pourrait objecter que ϩⲁ- peut également signifier 'sous.' Mais l'écriture est bien la même pour les deux personnages, avec une tendance inhabituelle et non systématique à surmonter d'un point certaines lettres.

[14] *Pchêré*, prêtre et higoumène de la sainte église de Djémé; Joseph fils de Petros; Papnouthios, diacre de l'église des apôtres; Paul, prêtre de l'église de la Theotokos (témoin oublié dans l'édition des *P.KRU*), et Anastasios, diacre de la même église.

signer en personne? Ou malade? Lui est-il interdit d'écrire parce qu'il est, par exemple, en période de jeûne? A-t-il des relations privilégiées avec les clercs de l'église de la Théotokos? Ou avec les personnes concernées par l'acte ? Il semble en tous cas avoir été en rapport avec des habitants de la ville de Djémé.

I.2. Dans *O.Medin.HabuCopt.* 139, *Frangé* s'adresse à son frère Apa Théodoros, à sa sœur bien-aimée *Koloje* et à *Pecosh*. Ce texte fait partie du dossier de *Koloje*, femme prêteur sur gages de Djémé, qui a dû exercer ses activités dans la première moitié du huitième siècle.[15]

Dans le dossier des ostraca de TT29, aucun texte ne paraît réellement décisif: certes plusieurs lettres font allusion à une situation difficile, et même grave: il est parfois question d'objets et peut-être de personnes à emmener, en urgence,[16] certaines formulations comme "Si je suis vivant, je reviendrai,"[17] sonnent de façon assez dramatique. Mais il peut s'agir de circonstances beaucoup plus locales, sinon moins tragiques, qu'une invasion perse: difficultés économiques, pression fiscale, famine, maladie, crue du Nil, attaques de bédouins, etc. Par ailleurs, si *Frangé* a de très nombreux correspondants, aucun n'est situable précisément dans le temps. Ceux de ces correspondants qui résident au monastère d'Epiphane ne le sont pas non plus, en dehors de la chronologie proposée par Crum. Par chance il semble qu'on dispose maintenant, avec les papyrus découverts à TT 29, d'un moyen indirect de datation.

II. *Les papyrus trouvés à TT29: un terminus post quem au début du huitième siècle?*

Ces fragments de papyrus ont été trouvés dans ce que les archéologues nomment la 'couche 159,' sous le bassin en pisé évoqué en introduction, en contact quasiment direct avec le sol de la tombe: cela signifie qu'ils appartiennent à la couche la plus ancienne. Ce sont des morceaux de taille réduite, probablement du matériel déclassé et récupéré pour servir de bourrage dans des reliures (des fragments de plats de reliure, ainsi que de nombreux messages de *Frangé* montrent que cette activité

[15] Cf. Wilfong 1990.
[16] Cf. O.292108.
[17] O.291110.

était pratiquée dans 'l'ermitage'). Malgré leur caractère de ce fait très fragmentaire, trois points sont d'importance pour la datation:

II.1. Un fragment de papyrus au moins est en arabe. On voit également les traces de plusieurs protocoles, dont l'étude dira peut-être s'ils sont d'époque byzantine ou arabe, ce qui est à première vue assez difficile à distinguer.

II.2. Plusieurs de ces fragments portent encore des sceaux en argile. Un document, qui était encore scellé, n'a pas été déroulé, afin de servir de témoin;[18] les autres l'ont été au cours des campagnes 2003 et 2004: ces derniers avaient été probablement ouverts, puis refermés avec le sceau conservé à l'intérieur.[19] Les sceaux sont encore mal connus dans les documents coptes,[20] surtout ceux de la région thébaine, qui ne sont pas décrits,[21] mais ils semblent particulièrement utilisés au huitième siècle.

II.3. Il semble bien qu'on puisse dans ces débris identifier une sorte d'archive, ou du moins de lot. Il s'agit de documents de taille assez réduite (ce qui a permis d'en conserver certains complètement) et au texte assez bref, qui me paraissent s'apparenter à la catégorie des laissez-passer: une demande est adressée au destinataire du message de laisser aller vers le sud/à Djémé un ou plusieurs personnages. Le motif de la demande n'est pas toujours clair, mais il est probable que l'impôt (δημόσιον) y joue un rôle, soit que la permission soit donnée pour aller

[18] Il s'agit du papyrus nº 291971: le document semble plié parallèlement aux fibres horizontales et peut-être replié en deux dans l'autre sens (à moins que le papyrus ne soit coupé dans sa partie gauche); en effet le lien et le sceau ne sont pas au milieu du papyrus plié, mais décalés vers la gauche. On voit des traces de l'adresse, dans lesquelles il n'est pas impossible de reconnaître -ⲁⲗⲁ-. Le sceau n'est pas déchiffrable.

[19] Les ordres de paiement en provenance du monastère de Baouit (Moyenne-Egypte) sont également munis d'un sceau, apposé en dessous du texte: dans ce cas, le sceau ne sert pas à fermer le document, mais à en garantir l'authenticité: cf. Delattre 2004: 113, qui renvoie à Vandorpe 1995: 24–8.

[20] On peut cependant tirer grand profit des indications de Grohmann 1924: 77–85, sur les sceaux des papyrus arabes. Voir aussi Wassiliou 1999.

[21] Si Crum, dans Crum & Winlock 1926: 187–8, décrit avec précision le pliage et la fermeture des documents, il remarque qu'aucun sceau n'a été trouvé sur le site d'Epiphane (d'après lui, certaines marques ou dessins à l'encre pouvaient tenir lieu de sceaux). Il signale aussi que des sceaux ont été trouvés avec les papyrus de Djémé conservés au British Museum, mais dans Crum 1905, il n'en donne ni description ni même mention, alors qu'il répertorie et décrit plusieurs sceaux attachés à des documents de Moyenne-Egypte (nº 620–2).

payer son impôt, soit qu'elle soit accordée parce qu'on l'a acquitté. L'écriture de ces textes, quand elle est de type professionnel, permet de les attribuer au huitième siècle. L'un de ces documents est parfaitement conservé.

Papyrus n° 291972 (plates 5 and 6)

Rectangle de papyrus de 13 cm de hauteur par 6.5 cm de largeur; l'écriture est disposée parallèlement au petit côté du rectangle.

→ + ⲙⲡⲣⲕⲱⲗⲩ
ⲛⲡⲁⲡⲁⲥ ⲙⲛⲑⲉⲟ
ⲇⲱⲣⲁⲕⲉ ⲉⲃⲱⲕ
ⲉⲧϣⲏⲙⲉ ⲉⲡⲉⲓ
ⲛⲧⲁⲩⲃⲱⲕ ϩⲁ
ⲡⲉⲩϩⲓⲥⲉ μ́(ηνὶ) ἀθ$^{\grave{\upsilon}}$(ρ) γ γ ἰ(ν)$^{\delta}$(ικτίονος)

↓ + ⲧⲁⲁⲥ ⲛ *vacat ca. 1 cm* ϩⲁⲗⲁⲕⲟⲧⲥⲉ
+ ϩⲓⲧⲛ *vacat ca. 1 cm* ⲫⲁⲛ̣ . . ⲉ̣ . . .

"N'empêche pas Papas et Theodorake de se rendre à Djémé, car c'est pour leur travail (?) qu'ils y vont. Mois d'Athyr, le 3. 3e (année de) l'indiction.
A remettre à Halakotsé, de la part de Pha…"

Le papyrus était plié dans le sens des fibres horizontales; le document a été noué avec un lien, dont un morceau est encore attaché au sceau, scellé par un sceau d'argile (dont je n'identifie pas le motif, plate 7), puis l'adresse a été écrite de part et d'autre du lien, ce qui explique le *vacat* qui interrompt les deux lignes de cette adresse.

On peut faire sur les personnages en question les remarques suivantes:

Theodorake est un nom assez rare à Thèbes. Un témoin porte ce nom dans *P.KRU* 22, l. 58, qui date de peu après 759, et dans *P.KRU* 30, l. 38 (non daté): il est fils d'Ezékiel, qui est mentionné comme décédé dans le 2e document.[22] C'est également le nom du destinataire du reçu d'impôt thébain du huitième siècle *SB Kopt.* 247. Rien n'assure, mais rien n'empêche qu'il s'agisse dans tous ces cas du même personnage.

[22] Cf. Till 1962: 217.

Papas, en revanche, est un nom fréquent. Parmi les occurrences relevées par Till,[23] on peut noter un témoin, fils d'Ezékiel (*Zekiel*) dans *P.KRU* 20, l. 135;[24] un *Papas* fils d'Ezékiel est également présent dans *P.KRU* 83, l. 28 (ca. 770).

Halakotsé est le nom le plus étonnant, puisqu'il n'est autre qu'une des très nombreuses formes coptes de ὁλοκόττινος,[25] qui désigne généralement l'unité monétaire (le *nomisma* ou *solidus*). En tant que nom de personne, je ne l'ai jamais trouvé en copte, et seulement deux fois en grec d'après le *Namenbuch*,[26] l'une des attestations étant celle d'un nom d'esclave. Or on retrouve ce personnage comme destinataire dans plusieurs autres fragments de documents du même genre, avec quelques variations dans le formulaire:[27]

(1) Papyrus nº 295028: le texte est également complet: + ⲟⲩⲱϣ ⲛⲅⲕⲱ ϣⲉⲛⲟⲩⲧⲉ ⲉⲣⲏⲥ ⲉⲡⲓ ⲡⲁ ⲡⲧⲁϣ ⲉⲣⲙⲁⲛⲧ ⲡⲉ ⲛϥⲃⲱⲕ ⲉⲡⲉϥⲏⲓ ⲉ̣ⲧ̣ⲉ̣ⲣⲏ̣ⲥ̣ ⲙⲡⲣⲕⲱⲗⲉ ⲙⲙⲟϥ ⲉⲅⲣⲁⲫⲏ ⲙⲛ̄ⲉⲓⲧ/ ⲃⲓⲕ + (verso) [ⲧⲁⲁⲥ ⲛ]ϩⲁⲗⲁⲕⲟⲧ(*vacat*) ⲥⲉ ϩⲓⲧⲛ ⲡⲉⲧⲣⲟⲥ + *"Veuille laisser Chenouté (aller) au sud, car il est du nome d'Ermont, qu'il aille chez lui au sud. Ne l'arrête pas. Ecrit???."* (verso) *"A donner à Halakotsé de la part de Pierre."*

(2) Papyrus nº 292404:
→ + ⲟⲩⲱϣⲉ ⲛⲅⲕⲱ ⲥⲧⲉⲫⲁⲛⲟⲥ ⲡⲇⲓⲁⲕⲟ ⲛ̄ ??? ⲉⲣⲏⲥ… (verso, réécrit sur un texte grec à l'écriture très fleurie): ⲧⲁⲁⲥ ⲛϩⲁⲗⲁⲕⲱ (*vacat*) ⲧⲥⲉ ϩⲓⲧⲛ ⲥⲁⲃⲓⲛ̣ⲟ̣ⲥ̣ ⲡⲁⲡⲁⲥ: "*Veuille laisser Stephanos, diacre de ??? (aller) au sud*…" (verso) "*A donner à Halakotsé de la part de Sabinos fils de Papas*." L'expéditeur n'est pas répertorié dans Till 1962. Le lien et le sceau ont été conservés: ce dernier figure probablement un aigle.

(3) Papyrus nº 295014: ⲟⲩⲱϣ ⲛⲅⲕⲱ ⲁⲍⲁⲣⲓⲁⲥ ⲉⲧⲃⲉ ⲡϩⲱⲃ ⲛⲛⲇⲓⲙⲟⲥⲓⲟⲛ…

[23] Cf. Till 1962: 154.

[24] N.B. Ce document date de 759 et le père est mentionné comme décédé, ce ne peut donc être le même que le père de *Theodorake*, à moins que la mention 'décédé' ait été omise dans *P.KRU* 22.

[25] Pour les diverses graphies de ce mot en copte, cf. Förster 2002: 569–74.

[26] Il s'agit de *SB* I 2022 (Holztafel); *Teb* II 407, 17, 18 ("ein Sklave dieses Namens").

[27] Je dispose pour ces fragments de photos qui sont souvent sans échelle, c'est pourquoi je ne donne pas les dimensions.

"*Veuille laisser (aller) Azarias pour l'affaire des impôts*…" Au verso, le nom du destinataire est perdu, celui de l'expéditeur est encore Sabinos.

(4) Papyrus nº 295106: partie gauche d'un document: ⲟⲩⲱϣ ⲛⲅⲕⲱ[…] ⲉⲣⲏⲥ ⲉϫⲏⲙⲉ ⲉ[…] ⲇⲓⲙⲟⲥⲓⲟⲛ ⲗⲉ[…]: "*Veuille laisser […] (aller) au sud à Djémé pour […] impôt […]*" Le nom du destinataire est perdu, celui de l'expéditeur est encore Sabinos.

(5) Papyrus nº 295001: ↓ + ⲉⲣⲧⲙⲛⲧⲥⲟⲛ ϫ̣ⲉ ⲙⲡⲉⲣⲕⲟ̣ⲗ̣ⲉ ⲙⲡⲉⲣⲱⲙⲉ ⲙⲡⲁⲧⲛⲛⲧⲉϥ ⲉⲣⲏⲥ[?]…"*Aie la fraternité de ne pas bloquer Perôme avant que nous l'amenions au sud*…" Au verso: ⲧⲁⲁⲥ ⲛϩⲁⲗ[. Si ce fragment se raccorde avec le nº 295006, on pourrait lire pour l'adresse: ⲧⲁⲁⲥ ⲛϩⲁⲗ[ⲁⲕⲟ]ⲧⲓⲛⲟⲥ. On notera que ce document a réutilisé un acte plus grand en 'petite cursive de Djémé' dont la fin est au verso.

(6) Papyrus nº 292400: ↓ Fin d'un texte…ⲉⲣⲧⲙⲛⲥⲟⲛ ⲛⲡⲉⲣ[…].. ⲉⲣⲏⲥ. Le texte, qui commence de la même façon que le précédent, n'est pas fini, c'est peut-être un exercice. On ne voit pas de trace d'adresse au verso, mais un autre texte copte, visiblement antérieur. Lien et sceau sont conservés: ce dernier figure un personnage avec auréole ou capuche, debout à côté d'un objet qui pourrait être une mangeoire.

(7) Papyrus nº 291977: ↓ ⲉⲕϣⲁⲛϫⲓ ⲧⲉⲉⲓⲡⲓ..[…]ⲛ̄ⲡⲣⲥⲧⲟ ⲉⲓⲥⲁⲁⲕ ⲙϣⲏⲣⲉ ⲛⲥⲁ[…]ⲁⲡⲁ..ⲛ̣ϥⲃⲱⲕ ⲉ̣ⲣⲏ̣ⲥ̣[…]…"*Quand tu recevras cette lettre (?), ne bloque pas Isaac… qu'il aille au sud*…" (verso, qui porte peut-être les traces d'un texte antérieur): ⲧⲁⲁⲥ ⲛ̄ϩⲁ (*vacat*) ⲗⲁⲕⲱⲧⲥⲉ + ϩⲓⲧⲛ ⲡⲉⲃⲱ +: "*A donner à Halakotsé de la part de Pebô.*" Le sceau, conservé avec le lien, évoque une Annonciation. Le nom de l'expéditeur se retrouve dans la même position au verso d'un autre document (nº 295015).

A ces fragments on peut encore en ajouter quelques-uns où on lit le nom de *Halakotsé*:

(8) Papyrus nº 295023: le texte commence par la formule d'adresse et se poursuit par quatre lignes non totalement déchiffrées, mais sans doute en rapport avec un laissez-passer: ⲧⲁⲁⲥ ⲙⲡⲁⲙⲉⲣⲓⲧ ⲛⲥⲟⲛ ϩⲁⲗⲁⲕⲟⲧⲥⲉ ϩⲓⲧⲛ [ⲥⲁ]ⲙⲟⲩⲏⲗ: "*A donner à mon cher frère Halakotsé de la part de [Sa]muel.*"

(9) Papyrus nº 295004: recto non encore déchiffré. Au verso: **ⲧⲁⲁⲥ ⲛϩⲁⲗⲁⲕ**/(*vacat*) **ϩⲓⲧⲛ ⲁⲛⲧⲱⲛⲉ**. Ce nom se retrouve, également en position d'expéditeur, dans le document nº 295021.

(10) Papyrus nº 291974: →] . **ⲛϩⲁⲗⲁⲕⲟⲧⲥ**[**ⲉ**…] + **ⲟⲩⲱϣ**[.… Le sceau est incrusté dans le fragment de papyrus.[28] Il figure un saint cavalier.

(11) Papyrus nº 295022: à la ligne 2, on lit]**ⲛⲥⲟⲛ ⲛϩⲟⲗⲟⲕ**/, là où le nom du destinataire est attendu.

(12) Papyrus nº 295020: on lit probablement **ϩⲁⲗⲁⲕⲟⲧⲥⲉ** au verso.

Sauf erreur de ma part, ce type de document n'a pas encore été relevé. Comme formulaire thébain de laissez-passer, on connaît celui qui commence par **ⲡⲗⲟⲅⲟⲥ ⲙⲡⲛⲟⲩⲧⲉ**:[29] copié exclusivement sur ostracon et adressé directement à l'intéressé, qui semble généralement caché ou fugitif, c'est la garantie qu'il peut rentrer chez lui sans risquer d'être inquiété par les agents du fisc. Les petits documents de TT29 représentent également un genre de sauf-conduit, qui doit permettre à ceux qui les détiennent de se déplacer pour rentrer chez eux, vaquer à leurs affaires ou accomplir des démarches administratives. L'utilisation de papyrus et la présence d'un sceau laissent penser qu'il s'agit de documents plus importants ou plus officiels que les sauf-conduits sur ostraca.[30] La plupart du temps il s'agit de laisser des gens aller vers le sud et/ou à Djémé. Il semble donc qu'il y avait une sorte de frontière (ou de douane) et qu'on ne pouvait pas la traverser sans en avoir l'autorisation, comme l'indiquent les formules alternativement positive 'laisse (aller)'[31] et négative 'ne bloque pas.'[32] Où se trouvait cette frontière? A l'entrée de la ville?

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[28] Il ne servait donc probablement pas à fermer le document, mais à en garantir l'authenticité: cf. note 19.

[29] Littéralement 'Parole de Dieu,' cf. Till 1938. Ces ostraca sont datables du huitième siècle.

[30] Il reste cependant difficile d'apprécier leur portée et de la comparer à celle de documents arabes contemporains: cf. Rāghib 1997.

[31] Copte **ⲕⲱ**.

[32] **ⲙⲡⲣ-** suivi du verbe copte **ⲥⲧⲟ** ou des formes **ⲕⲱⲗⲩ**, **ⲕⲱⲗⲉ**, **ⲕⲟⲗⲉ** du grec κωλύειν.

Chaque document met en cause trois personnages: le bénéficiaire du sauf-conduit, son rédacteur et son destinataire, *Halakotsé*. Le premier peut être n'importe qui (en une occasion il s'agit d'un diacre, mais pour les autres, on ne sait s'il s'agit de laïques, de clercs, de moines). Le deuxième se désigne par un nom simple (sauf une fois: Sabinos fils de Papas), quelques-uns de ces noms semblant se retrouver plusieurs fois dans l'ensemble des fragments de papyrus. Il ne porte pas de titre, mais occupe cependant une position relativement haute, puisqu'il utilise un sceau: est-il responsable d'un groupe de personnes (village, communauté ascétique)? Le sceau est-il le sien ou celui de la collectivité? Quant au destinataire, *Halakotsé*, c'est manifestement un agent ou un serviteur du pouvoir administratif. Comme il a été dit, il porte un nom assez surprenant. Si on se fonde sur l'unique attestation papyrologique grecque pour supposer que c'est un nom d'esclave,[33] il pourrait appartenir à la catégorie des esclaves publics.[34]

Une fois le sauf-conduit remis ou montré à *Halakotsé*, et la permission accordée, il n'était probablement plus utile. Même si on suppose qu'il ait pu être utilisé plusieurs fois, sa période de validité devait être limitée. D'ailleurs, les documents n'étaient peut-être pas systématiquement lus (d'où le fait que certains étaient encore pliés et scellés). Quand ils étaient périmés, étant souvent eux-mêmes écrits au verso d'autres documents, ils ne pouvaient plus servir que comme matériau de récupération. Si *Frangé* avait des accointances avec certaines personnes de Djémé, il lui était alors possible de s'en procurer pour ses travaux de reliure.

L'intérêt de ce petit ensemble est donc double. D'une part il enrichit et précise l'histoire de la circulation des personnes dans la région de Djémé au huitième siècle, d'autre part il donne un *terminus post quem* pour la datation de *Frangé*. En effet, même s'il n'y a apparemment aucun rapport direct entre ce dernier et *Halakotsé*, les fragments de papyrus sont antérieurs ou contemporains de la documentation trouvée dans la même couche 159, qui contient un grand nombre d'ostraca de *Frangé*. La période d'occupation de TT29 par ce dernier est donc à situer dans la première moitié du huitième siècle au plus tôt. Parmi les ostraca qui ne se rattachent pas à son dossier, certains sont manifestement plus anciens, car ils proviennent des structures de briques crues où ils ont

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[33] Cf. note 26. Peut-on rapprocher le caractère étrange de ce nom de celui de ⲕⲉⲛⲧⲏⲛⲁⲣⲛ (κεντηνάριον, qui désigne une unité de poids), attesté dans un ostracon de Baouit (cf. Clackson 2001: 231)?

[34] Cf. Rāghib 1996.

été utilisés comme matériau de consolidation. Un ou deux ensembles semblent se dégager sur la base des noms de personnes, qui pourraient indiquer la présence d'un ou plusieurs occupants antérieurs à *Frangé* sur une partie du site ou sur un site tout proche, une tombe voisine par exemple.

De ce fait se trouve remise en question la chronologie du site du monastère d'Epiphane et des implantations anachorétiques de la région. En effet les interlocuteurs de *Frangé* sont forcément ses contemporains. Il y a donc des chances que cet établissement ait continué à exister au huitième siècle, ce que de récentes observations archéologiques tendraient à confirmer.[35]

La région thébaine semble n'avoir que lentement ressenti les changements apportés par la conquête arabe. Les difficultés que l'on éprouve à dater la petite documentation de cette région me semblent révélatrices de cette stabilité, que seule peut-être la pression fiscale de plus en plus forte tendait à modifier.

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[35] Cf. Thirard 2006.

O.Medin.HabuCopt. = *Coptic Ostraca from Medinet Habu*. Eds. E. Stefanski & M. Lichtheim. Chicago 1952.
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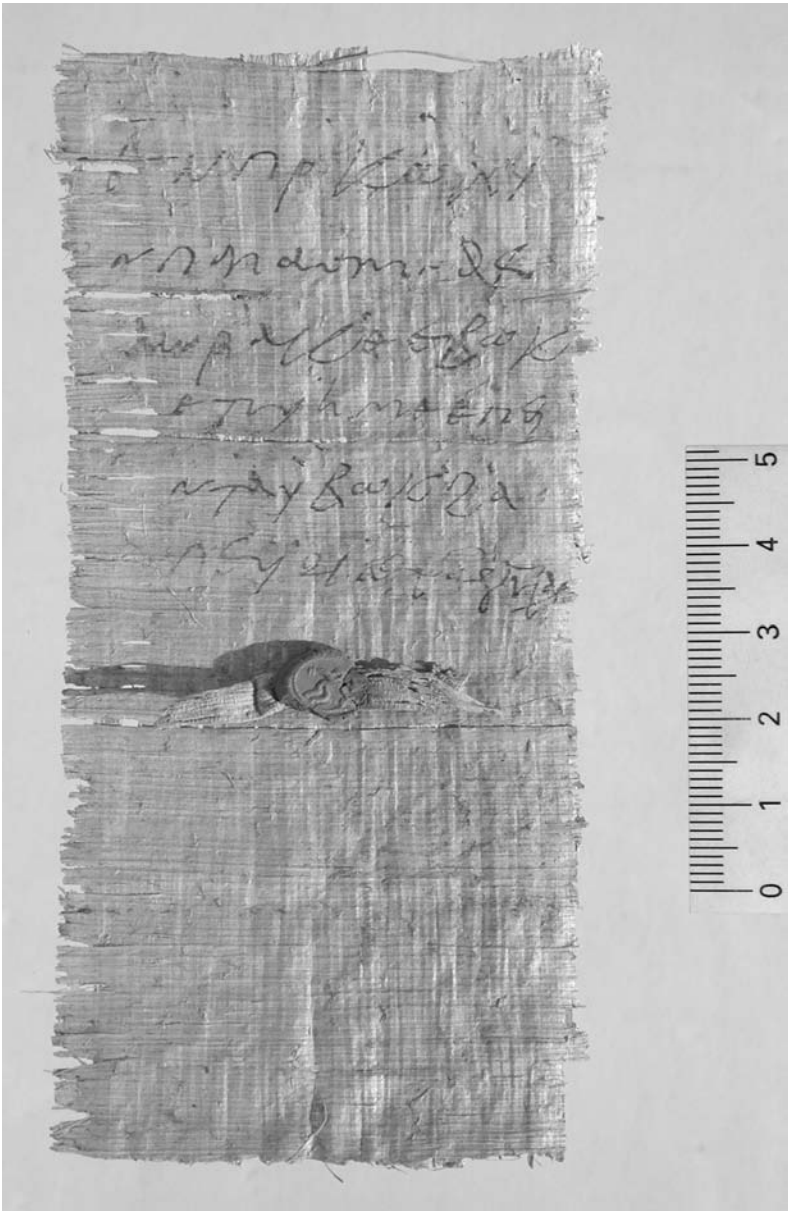


Plate 5 Papyrus n° 291972r + 291973

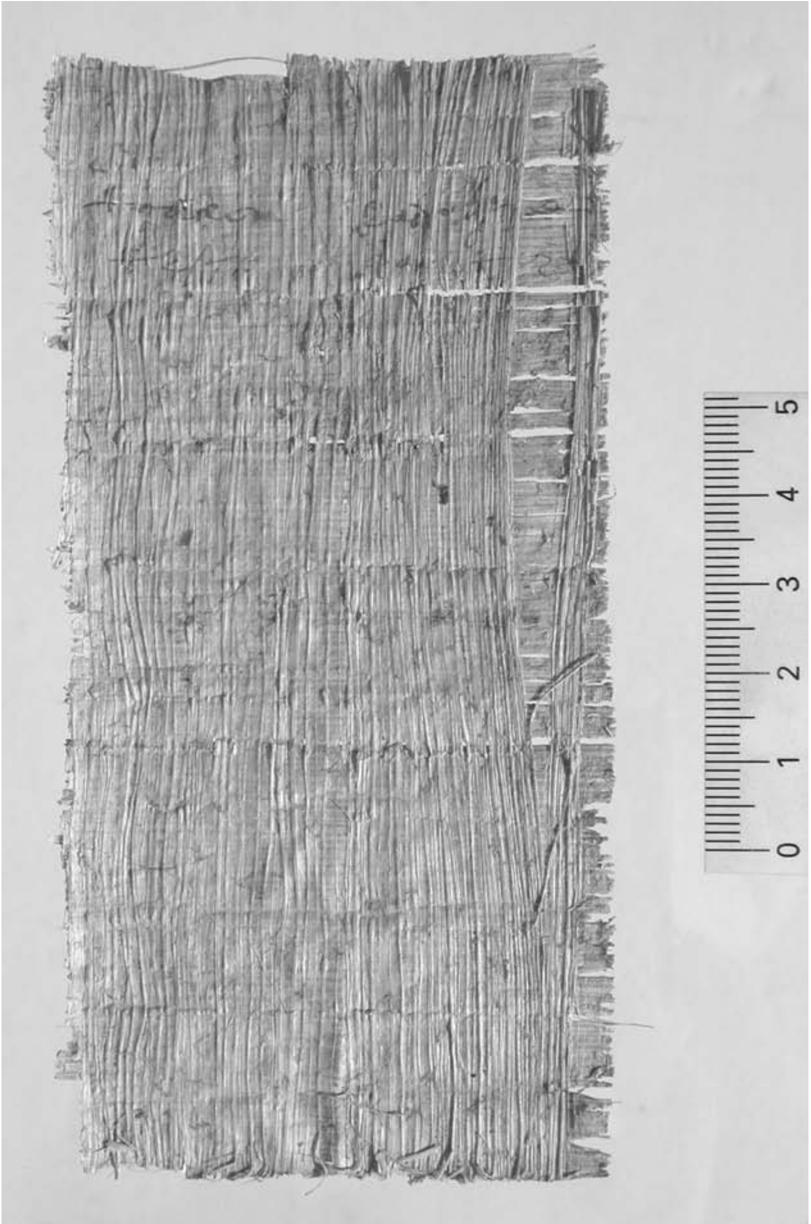


Plate 6 Papyrus nº 291972v



Plate 7 Papyrus n° 291973 seal

THE DOCUMENTARY BACKGROUND TO THE *HISTORY OF THE PATRIARCHS* OF PS.-SAWĪRUS IBN AL-MUQAFFAʿ *CA*. 750–969 C.E.

Frank R. Trombley

The *History of the Patriarchs of Alexandria* of ps.-Sawīrus Ibn al-Muqaffaʿ is a composite text.[1] At the level of formal organisation, it consists of a series of biographies loosely sewn together, with very little redactional work to smooth it out as a piece of historical writing. When one turns to the individual biographies, he finds an array of eyewitness accounts, often expressed in the first person, and references to particular fiscal and administrative measures affecting the relations between the Coptic patriarchate and the Muslim governors of Egypt. In the latter case, particular details often correspond to the types of data found in the papyri.[2] In what follows, an attempt will be made to identify the types of ecclesiastical documents that circulated in Egypt, and to compare their form and content with the genres of papyri that survive.

Historians of taxation in early medieval Egypt have frequently used ps.-Sawīrus' work as a framework text illustrating the overall impact of the governors' policies on the Christian communities. Even the casual reader can see that it is a very different type of compilation than, for example, Kindī's biographies of the governors of Egypt.[3] It is a unique historiographic feature of the situation that the parallel lives of the most important figures in the Muslim and Christian leadership are both recorded, but each according to differing canons: Muslim *khabar* vignettes with *isnād*s and the Christian hagiographic tradition replete with miracles and protestations of the piety of particular patriarchs.[4]

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[1] Edited and translated by B. Evetts in the *Patrologia Orientalis* series (= *HP* 1/3 and 1/4). See also the somewhat superior text edited by C.F. Seybold (= *HP Hamburg*). For the later patriarchs, see *HP* 2/1 and *HP* 2/2. On textual questions, see: den Heijer 1989. The translations in this article are normally my own adaptations of those of Evetts and of the team that edited the Cairo edition of ps.-Sawīrus (*HP* 2/1 and *HP* 2/2).

[2] My earlier views are summarised in Trombley 2004b.

[3] Kindī (d. 350/961), *Governors and Judges of Egypt*.

[4] Cf. Farag 1977; Frantz-Murphy 1999: 241.

In historiographic terms, the papyri are linking texts that permit the historian to test the accuracy of these witnesses.

In what follows, I will look at the documentary background of ps.-Sawīrus' patriarchal history for the period immediately after the Abbasid revolution in Egypt, that is, between *ca.* 750 and 969. Because of the limited aims of this paper, it will be necessary to identify some of the more interesting data, and to reserve the rest for future discussion in light of the Islamic sources and archaeological data. It is important to bear in mind that exact correspondences do not always exist between ps.-Sawīrus' statements and documents. It is a matter of reconstructing the social, economic and cultural situations to which both refer.

Ps.-Sawīrus contains an important first person report by a member of the Coptic clergy dealing with the arrival of the Abbasid army and the final overthrow of the Umayyad caliph Marwān II in the mid-eighth century, during the patriarchate of Michael I (in office 743-67).[5] The report contains many 'I' passages in its account of Marwān's alleged arrest of the Coptic patriarch Michael and certain members of the Christian clergy at Fusṭāṭ.[6] It also gives a running commentary on the movement of captives from Fusṭāṭ to the west bank of the Nile at Giza, in accordance with Marwān's reputed scorched earth policy in the face of the Abbasid invasion. This policy included the burning of grain storehouses, the destruction of large numbers of Nile river boats, the enforced transfer of the Christian population across the river, and the food shortages it endured there.[7]

Ps.-Sawīrus also mentions the attempt of Marwān to retain the allegiance of an *amīr* at Alexandria named al-Aswad, who had under his command many of "the Muslims who were fighting the Romans" (*al-muslimūn yaqātilūn al-rūm*) and who had recently conducted a launching of naval vessels (*marākib al-usṭūl*) into the sea.[8] At first sight this is an indication that the raiding fleet which was such a prominent feature of the Qurra and Aphrodito papyri was still in existence *ca.* 750 C.E., although perhaps on a reduced scale.[9] It is otherwise difficult to explain

[5] Useful is Morimoto 1981. Patriarchal dates have been verified from Grumel 1958: 444f.

[6] 'I' and 'we' passages: *HP* 1/3: 119 [373], 133–40 [387–94], 143 [397], 165–9 [419–23], 171–85 [425–39], 190–2 [444–46], 199 [453], 203 [457].

[7] The use of ships and boats of all sizes on the Nile is frequently reported in the Greek papyri of the Umayyad period; see Trombley 2004b: 209–16.

[8] *HP* 1/3: 149 [403] and 159 [413].

[9] Trombley 2004b: 216–22.

the presence of these men in Alexandria, which was far distant from the *ribāṭ*s of the Thughūr in northern Syria.[10] Ps.-Sawīrus mentions that patriarch Menas I (in office 767–75) and many bishops were for a short time assigned the task of applying pitch to the ships under construction in the naval arsenal in the ash heaps (*al-ramādiya*) of Fusṭāṭ.[11]

The eyewitness author of the life of patriarch Michael I also mentions the protracted resistance of armed Christian insurgent groups, one of them named after the region in which they dwelt, called the Bashmūr, located somewhere near Lake Burullus on the Delta between Damietta and Rosetta. There were five rebellions of the Bashmūr between 739 and 773 and another in 821.[12] Ps.-Sawīrus describes the character of the insurgency:[13]

> The Bashmūr had rebelled against ʿAbd al-Malik under their leader Menas son of Apakyrus . . . who were inhabitants of Shubrā near Sanbaṭ. They seized the province and refused to pay taxes to ʿAbd al-Malik or to the chief of the *dīwān* (*ṣāḥib al-dīwān*) . . . Marwān wrote a decree of pardon for the rebels . . .

There was another, less successful Coptic rebellion against the Umayyad authorities at the same time at Rosetta (present-day Rashīd).[14] This was all part of a wider rebellion that included Arab groups in Alexandria, the Delta and as far south as Aswān.[15] As for the Bashmūr, the letters (*kutub*) and pledge of security (*amān*) are an intriguing example of documents that have not survived in the collections of papyri. This reflects the problem of the random survival of documents: historical events, apart from rare instances, such as a document pertaining to the Byzantine naval descent on Damietta in 853 C.E., seldom coincide with documentary record.[16] This may be explained, in part, by the fact that the *dīwān*s at Fusṭāṭ and elsewhere were burned on the orders of Marwān.[17] The documents which do survive tend to illuminate unforeseen or micro-institutional aspects of particular problems, such as the Umayyad-era

[10] On Ṭūlūnid and Ikhshīdid naval affairs, see Fahmy 1966: 42–50.

[11] *HP* 1/4: 374 [488]. I take the 'ash heaps' to be the waste material accumulated as a by-product when making pitch.

[12] Morimoto 1981: 282, n. 12; Frantz-Murphy 1999: 245; Ayad Ayad 2003.

[13] *HP* 1/3: 157 [411].

[14] Morimoto 1981: 148.

[15] Morimoto 1981: 148.

[16] Levi Della Vida 1944–5; Rémondon 1953; Kubiak 1970.

[17] *HP* 1/3: 188 [442].

Apollōnos Anō and Qurra papyri on the details of equipping ships. As far as can be determined, no papyri relating to the insurgency of the Bashmūr have turned up, a good example of the asymmetrical correspondence between the literary and documentary sources for eighth- and ninth-century Egypt. After Marwān II's destruction, the Bashmūr were exempted from taxation and actually received some revenues for a period of two years, before the Abbasid administration tightened up revenue collections two years later, but not a trace of this turns up in the papyri. Our main source for this is ps.-Sawīrus, whose account has important implications for reconstructing a picture of the types of documents that the early Abbasid governors began to accumulate in Fusṭāṭ once again in the third year of their administration in Egypt:[18]

> Abū ʿAwn was made governor of Egypt. After a short time two men came to Egypt, officials of the *dīwān*s, sent by the prince. They were Muslims and one of them was named ʿAṭā b. Shuraḥbīl, the other Safī... Abū ʿAwn laid all the accounts of Egypt before them and brought the country back into the (fiscal) state in which it had been under Marwān... They imposed two fresh duties on lower Egypt and one upon upper Egypt... The revenue of Egypt—after deducting the soldiers' pay, and the expenses of the government offices, and what was needed to carry on the administration—what remained over and was carried to the public treasury, altogether every year amounted to 200,000 *dīnār*s...

The same might be said about Marwān's alleged burning of Fusṭāṭ *vis-à-vis* the archaeological evidence. Ps.-Sawīrus indicates: "We saw flames ascending from Fusṭāṭ, and were informed that Marwān had set fire to the storehouses of provisions and barley."[19] He adds: "The *khalīfa* caused Miṣr to be set on fire from the south to the north, until it reached the Great Mosque of the Muslims."[20] Once again it appears doubtful that the archaeological records can corroborate this, nor is Kindī helpful: he corroborates only the burning of Marwān's residence, the Dār al-Mudhahhaba and bridge across the Nile.[21] In contrast, ps.-Sawīrus indicates that the Christians of Fusṭāṭ escaped the destruction not by crossing any bridges, but by using boats.[22]

[18] *HP* 1/3: 188f. [442f.].
[19] *HP* 1/3: 167 [421].
[20] *HP* 1/3: 168 [422].
[21] Kubiak 1987: 153, n. 14.
[22] *HP* 1/3: 168 [422].

Ps.-Sawīrus also indicates that Marwān ordered his agents to "burn the cities and villages and vineyards and water-wheels (sing. *sāqiya*, pl. *sawāqin*)...," as well as boats, on the east bank of the Nile, hoping that the Abbasids—whom the Christian writer calls Khurasānīs—would be forced to retire from Egypt.[23] This measure failed to live up to its expectation. Examples of water-wheels and vineyards cultivated by Christians are known from ps.-Sawīrus, from the papyri and from the archaeolgical finds at the monastery of St. Ephiphanius.[24] An Arabic papyrus of 850/1 C.E., possibly from Ushmūnayn, mentions three *faddān* of land irrigated by a *sāqiya* that apparently drew its water from a neighbouring canal.[25] The role of viticulture in the overall economy was significant. A papyrus bill of lading in Arabic (second century A.H.) suggests that Nile riverboat traffic was mostly still in the hands of Christian maritime personnel, and that Christians were often its main consumers:[26]

> The ship (*safīna*) of Matāwus the [sailor: in it are ---] for Yasūʿ the Christian (*al-naṣrānī*). The ship of Girga the sailor (*nūtī*): [in it are twenty (?) *qinṭār*s of] carob for Mūsā the Christian, and in it are forty-five jars of wine (for him also), and on it are twenty *qinṭār*s of carob for him also. The ship of Mīnū the sailor: in it are one hundred and twenty hip jars (*dabūsa*) of wine for him also, [--- in] it are forty-five jars of wine for him also.

The sailors Matthew, George and Minos all have Greek names. The large quantities of wine being shipped suggest a ready market in Christian communities somewhere in Egypt.[27] It would be of particular interest to study the Abbasid economy in light of the non-fiscal, private structures of production and exchange to determine the likely effects that a disruption of the river traffic like that which occurred in 750 might have had on the subsistence and micro-economics of the Christian communities. As to water wheels, the Umayyad governor ʿAbd al-ʿAzīz is reported

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[23] *HP* 1/3: 169 [423]. On water-wheels in the Islamic period, see Schiøler 1973: 56–83, 131–6, 174, 190; Abū Ṣāliḥ, 197, 281.

[24] See previous note; *HP* 1/4: 516 [630]; Crum and Winlock 1926: 64–7, plates XVIIC and XVIII (noted in Wilfong 1999: 220f.). One and one sixth *feddān*s in the garden of the monastery of St. Anthony on the Red Sea coast were assigned to viticulture (Abū Ṣāliḥ, 160). The Coptic Vienna Farmers' Almanac (ninth–tenth century C.E.) recognises this as a regular agricultural activity (Wilfong 1999: 230).

[25] *P.Cair.Arab.* II 80.

[26] *P.Khalili* I 7. A Coptic farming almanac (ninth century C.E.) mentions the use of boats in agricultural contexts; Vienna K 5506 and the Vienna Farmers' Almanac (ninth–tenth century C.E.), cited by Wilfong 1999: 228, 230. Till 1936: 130, 142.

[27] The provenance of the papyrus seems to be unknown.

to have built seven (unless the word be construed as irrigation wells) at Fusṭāṭ. Agricultural work that may have involved the use of water-lifting technology is indicated in a papyrus of the eighth to ninth century C.E., where grain farming is in question:[28]

> In the name of God the merciful, the compassionate. This is what Aflaḥ b. Sirwān has given. He has given to Damān[a] the farmer (*al-zarrāʿ*). He has given him his land which has been received and [---] apart from this, that he should conduct the work on it for everything except the tax on the dry alfalfa (*qurṭ*). Nothing is required of him as to its irrigation as regards the irrigation wells and their maintenance, so that there will be nothing lying in it that has been torn away by the current, or any foul matter, or any damage to the water [in it]. There is required of Damāna only his labour, harvesting the wheat (*qamḥ*) and barley (*shaʿīr*) and what is left over from harvesting and threshing upon the threshing floor (*al-jarūn*)...

It is impossible to say how effective Marwān's scorched earth policy was, but we should suppose that this ad hoc measure was not effective beyond the immediate environs of Fusṭāṭ.

There is potentially an art-historical dimension to ps.-Sawīrus' life of Michael I in a miracle tale. As the story goes, during the captivity of Michael and his retinue, the two military martyrs Sts. Sergios and Bakchos appeared to Abba Mūsā riding across the river "in the likeness of two cavalrymen of the caliph (*al-malik*)." The story is significant because of its implied connection with the developing iconography of the military saints in Byzantine, Coptic and Syrian religious art. In this instance, the Christian soldiers wore Arab-Persian equipment not dissimilar to the many depictions seen in late Umayyad art.[29] Rider saints were a regular feature of Coptic painting and sculpture, as for example a stele from the Fayyūm region, which shows the holy figure wearing a Phrygian cap and mounted on a splendid horse (seventh or eighth century).[30]

Ps.- Sawīrus mentions the existence of bilingual scribes in the admin-

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[28] *Chrest.Khoury* I 73. For a threshing floor, see no. 72 (August–September 785).

[29] Nicolle 1997 (many examples of armoured cavalrymen). In later times, Christian military saints would occasionally find a following among the Muslim bedouins, as in the case of a certain Marā of the Banū Hunaym in the district of Iqnū in Upper Egypt (late twelfth century C.E.). The man's fellow tribesmen found this deviation from Islam intolerable; Abū Ṣāliḥ, 234.

[30] Cannuyer 2001: 66. Beam-icons of later centuries also depict painted military saints, as in the church of St. Mercurius in Dayr Abū Sayfayn in Old Cairo; see Skalova *et al.* 1996: 108f., pl. XXVII.

istrative apparatus of the Coptic patriarchate who helped run its internal bureaucracy. Among the types of documents mentioned are accounts of grain stored in church granaries and the synodical letters stating the theological positions of the patriarchs at the time of their consecration and later circulated to their colleagues, particularly the Jacobite patriarch of Antioch. These communications were sometimes interrupted by endemic warfare.[31] There were also deeds of manumission (*iʿtāqa*), formal petitions, requests to attend official audiences, warnings about the activities of heretical teachers, letters of notification intended to enforce ecclesiastical discipline, and many other types of correspondence.[32] Papyrus ballots and perhaps ostraca were used in the election of the Coptic patriarchs, as for example in the election of patriarch John IV, which took place between 27 December 775 and 12 January 776. Ps.-Sawīrus observes:[33]

> Now our fathers, when they met together in order to come to an agreement about the appointment of a patriarch, were accustomed to write many names on small sheets (*riqāʿ*) which they laid in the sanctuary. Then the bishops, priests and orthodox laity used to pray to the Lord with a sincere intention, and cry *Kyrie eleison*. Afterwards they brought a young child, ignorant of sin, who put forth his hand and took one sheet from among the number. And they promoted him whose name was drawn to the patriarchal dignity.

There appear to be no examples of such ballots as these in the surviving papyri.

Where Christian ecclesiastical documents do survive, they pose all kinds of problems. There is for example an account of expenditure from the late ninth century C.E.[34] It seems to have belonged to a Christian community in or from Mesopotamia. This assumption is based on the Christian onomastics of the persons mentioned, the currency being

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[31] Patriarch James found it difficult to communicate with Antioch during the greater part of his patriarchate because of wars in Syria and Crete (819–30); see *HP* 1/4: 455 [569]. Patriarch Joseph (in office 831–49) could not send his synodical letter to Antioch because of the renewed rebellion of the Bashmūr Christians in the lower Delta. He sent letters to the insurgents, warning them of the risks of their continuing resistance; see *HP* 1/4: 488–90 [602–4].

[32] *HP* 1/4: 397 [511], 403 [517], 406 [520], 417 [531], 429 [543], 435 [549], 457 [571], 488 [602], 490 [604].

[33] Adapted from *HP* 1/4: 381 [495].

[34] *P.Khalili* I 6. My discussion follows Geoffrey Khan's commentary.

given exclusively in *dirhams* and the fact that it mentions a character named Shabur Yashūʿ being hired out to a monastery in Malaṭ, a place that appears to be the same as Malatya or Melitene in the borderlands between Byzantine Anatolia and Mesopotamia.[35] The question of whether the document was imported from there, or was in fact used by an Arabic-speaking, Syro-Mesopotamian expatriate community in Egypt, is an interesting one that has no clear answer. All that can be said at this point is that the Coptic patriarchate of Alexandria enjoyed close contacts with the Jacobite patriarch of Antioch through the correspondence of their respective *kuttāb*, who seem usually to have held the rank of deacon;[36] a related phenomenon may have been the reciprocal movement of people between the two communities.[37] However, the onomastics suggest an eastern Syrian, Nestorian provenance for the document, so the relevance of the Antiochene connection remains hypothetical.

This papyrus, whatever its origin, offers some insight into another aspect of Muslim-Christian fiscal relations. Ps.-Sawīrus indicates that zealous early Abbasid governors in Egypt sometimes pressed the churches to hand over their assets in specie and bullion. *P.Khalili* I 6 offers some insight into the sorts of inventory that a small Christian community might possess. In specie, the community had tens of thousands of *dirhams* at its disposal; its expenses included hiring bakers, buying candlesticks of no great value, the purchase of cloaks, and paying the monthly wages of the presbyter, chorister, door-keeper and an unknown number of guards. Monies were also given to the two monasteries of St. Shurghūn and of Malaṭ. Finally, monies were disbursed for the erection and repair of the water wheel (*al-dāliya*) of the bishop. It can be seen from this that the churches which had their own treasuries were convenient sources of fluid assets when local governors were pressed for tax income to cover military pay and other expenses, as occurred in the patriarchate of Menas I (in office 767–75).[38] Ps.-Sawīrus informs us that in the patriarchate of John IV (in office 776–99), some churches had endowments (*waṣāyā*) that evidently came to them in the form of legacies.[39]

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35 On the site, see Hild and Restle 1981: 233–7.
36 *HP* 1/4: 390 [504].
37 Honigmann 1954: 93–105, etc.
38 *HP* 1/4: 369 [483].
39 *HP* 1/4: 388 [502].

These monies derived mainly from the income of agricultural lands were used to build and ornament churches at times when, as in early Abbasid Egypt, it was relatively easy to get permission. In one instance Ps.-Sawīrus gives us the details of the building history of such an undertaking, the church of Michael the Archangel in Alexandria, including the collection of building materials, the hiring of workmen and their foremen, the laying of foundations and the fact that the building was completed in five years.[40] There are to my knowledge no Christian papyri that detail these types of activity, but the practices of setting wages and conscription of labour are to some extent known from the Aphrodito papyri in connection with building projects in Damascus and Jerusalem. Details of building history were sometimes published on inscriptions, as we learn from the late seventh-century church of Muʿallaqa at Fusṭāṭ.[41] Ps.-Sawīrus also indicates controversies about property rights: it appears that the work on the church of Michael the Archangel encroached on buildings in Alexandria belonging to the government and turned them into churches, and in consequence the patriarch paid a stiff fine.[42] It seems likely that the places in question were public buildings from the Late Roman period still in use by local Christian civil officials, who turn up repeatedly in Ps.-Sawīrus' narrative and are called *archōn*s. The plaintiff in a case that arose in the patriarchate of John IV (775–99) was the Chalcedonian or Melkite patriarch of Alexandria, who would have had close ties to any Greeks in the civic administration, and who undoubtedly also exchanged written communications with the patriarch of Constantinople. Once again the proceedings of this case would have been recorded on papyrus, but no documents of these specific types appear to have survived.

Literate scribes of ecclesiastical rank, usually deacons, were required to run the bureaucracy of the Coptic patriarchate. They must normally have been efficient and co-operative, but ps.-Sawīrus passes on many anecdotes about scribes who used their talents to promote their personal interests and caused many problems for the patriarchs in their dealing with the Arab governors and their agents. Ps.-Sawīrus records a somewhat fantastic story about a Christian scribe and monk named Peter of Dasīma who perfected the arts of forgery to such an extent

[40] *HP* 1/4: 388–90 [502–4].
[41] Plans and drawings: Butler 1884: 1:206–24; cf. Hondelink 1990 (*non vidi*).
[42] *HP* 1/4: 389 [503].

that he was able to ingratiate himself with the *khalīfa* and get himself appointed patriarch:[43]

> The prince drew up for Peter a document (*sijill*) addressed to the governor of Egypt, whose name was ʿAbd al-Raḥmān, directing him to do what Peter said. Then Peter gave orders that a cap be made of splendid and priceless material. And his name was written on it thus in Arabic letters: 'Peter patriarch of Egypt' (*Baṭrus baṭrak Miṣr*), and after his own name was written 'and servant of the prince' (*wa-ʿabd al-malik*).

A small number of textiles with inscriptions survive. One also thinks of the hat made for the *khalīfa* Hārūn al-Rashīd. It bore the words "raider and pilgrim" (which I assume were *ghāzī wa-hājj*).[44] The incident that Ps.-Sawīrus relates led to serious controversy in the Coptic church, which supported the reigning patriarch Menas I (in office 767–74) against the usurper.

Another type of document for which ps.-Sawīrus provides indirect corroboration was the public announcement of the price of foodstuffs. These would have been published in the markets of Alexandria and other towns and enforced by a civil official called the *muḥtasib*. It is possible that a Christian *archōn* performed this function in Alexandria. The price of wheat was the benchmark figure by which pre-modern Mediterranean societies computed basic costs of subsistence.[45] Ps.-Sawīrus' periodic reports of these figures can be indexed with data from other historical sources and papyri data to establish agricultural productivity cycles.[46] These varied with fluctuations in the annual Nile flood. This became the basis of the annual tax assessment, so the Arab administration found it necessary to take charge of the Nilometers. One of these was built on the island of Rawḍa in the ninth century.[47] Two of the inscriptions on the entrance report:[48]

[43] *HP* 1/4: 367 [481].

[44] According to the historian Ṭabarī (*ad* A.H. 190), quoted in Brooks 1900: 745.

[45] *Chronicle of Pseudo-Joshua the Stylite*, l–li.

[46] E.g. Ashtor 1976: 93–5. *Grain prices: HP* 1/3: 99 [353]; *HP* 1/4: 390 [504], 456 [570], 486 [600]. *Drought: HP* 1/3 114 [368]. *Failure of Nile to rise: HP* 1/3: 187 [441], 193–7 [447–51]. *Famine: HP* 1/3: 97 [351]. *Size of villages: HP* 1/3: 211 [405]. *Locusts: HP* 1/4: 422 [536].

[47] Nilometers kept in use in the early Islamic period are mentioned at Anṣinā, Hulwān, Ikhmīm, Qift and Memphis; see Abū Ṣāliḥ, 50 and notes, 155, 202 (implied), 203–4, 280f. The most ancient Nilometers are ascribed to legendary founders, but the one at Hulwān was erected by the Umayyad governor ʿAbd al-ʿAzīz b. Marwān.

[48] É. Combe *et al.* 1931: nos. 461 and 476; see also nos. 460 and 472.

> ... The slave of Allāh, Jaʿfar, the *imām* al-Mutawakkil ʿalā ʾllāh, *amīr* of the believers, ordered the construction of this Hāshimī Nilometer (*al-miqyās al-hāshimī*), in order to know the rise and fall of the Nile through it... Aḥmad b. Muḥammad the mathematician (*al-ḥāsib*) wrote it in Rajab of the year 247 (= September 861 C.E.).
>
> ... In the year in which the blessed Mutawakkil built this wonderful Nilometer, the water reached seventeen *dhirāʿ* and eighteen *iṣbaʿ*.

One Egyptian *dhirāʿ* equals 0.58 metres, and one *iṣbaʿ* equals 3.125 cm. The depth of the Nile flood in 861 C.E. was therefore 9.42 m. In many instances, ps.-Sawīrus reports on the price of wheat, whose yield was of course related to the extent of the waters that filled the Delta. These data have been statistically correlated with information from other sources, to give some idea of fluctuations in the price of grain during the Abbasid period.[49] There were sometimes longer cycles of drought in combination with other faunal and meteorological circumstances.[50] Ps.-Sawīrus reports an example of this which started with the failure of the Nile flood in 969 C.E., the year of the Fatimid seizure of Egypt:[51]

> In the first year, when these westerners (*al-maghāriba*) ruled, the land of Miṣr dried up and was not irrigated, and a famine started. In the second year, the Nile rose and the people sowed and the crops prospered, but when the dew fell a multitude of rats descended upon it, and the crops were destroyed. In the third year a wind came upon the crops (and) destroyed them. In the fourth year, huge locusts descended upon the crops and ate them. The famine did not cease until the end of seven years... When the seven years of famine had ended... [the Egyptians] did not find wheat to sow until the merchants transported it to them from Syria.

The periodic shortfalls could lead to starvation in urban centres like Alexandria, as happened in the late 790s and again in 969–76, in accordance with Ps.-Sawīrus' chronology.[52] Ps.-Sawīrus' report illuminates the operation of the ecclesiastical bureaucracy, including their provision for the storage of surplus grain, in Alexandria:[53]

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49 See the remarks of Ashtor 1976: 93f., 127, 153, etc.
50 The effect of these events on the consciousness of Christians is reflected in the Coptic Vienna Farmers' Almanac; see Wilfong 1999: 228–33.
51 *HP* 2/2: 133–35. On the Fatimid *coup de main*, see Lev 1991: 11–18.
52 *HP* 1/4: 390 [504], and see previous note.
53 *HP* 1/4: 391 [505].

> Then Abba John [the patriarch] called his son and partner in his works, Mark the deacon, and gave him authority to distribute alms among all the inhabitants of the city. The storehouses and accounts of the church were under his superintendence... So Mark began to assist all those who were starving, giving them food morning and evening every day. He used to see many people of every race at the patriarch's door whom he would supply with provisions from the stores of the church, for at that time she had an abundance of good things... He visited the [Christian] officials (*al-ruʾasāʾ*) and rich men, saying to them: 'Be merciful to the needy'.

The deacon's admonitions were addressed only to the Christian officials and city councillors of Alexandria.[54]

Ps.-Sawīrus mentions various types of ecclesiastical documents. The most important of these theologically were the synodical letters sent by one Monophysite patriarch to the other at the time of his accession.[55] These were normally celebratory confessions of faith. So, for example, Kyriakos (in office 793–817), the Jacobite patriarch of Antioch, sent a document of this type to John IV the Coptic patriarch (in office 776–99). It was delivered by a high level delegation led by Anastasios archbishop of Damascus. The public reading of synodical letters was part of the protocol:[56]

> In his epistle Kyriakos spoke of the orthodox union existing between the two sees of Antioch and Alexandria... Afterwards our father Abba John commanded that the letter be read in front of the people, who marvelled when they heard its eloquence and because it had been a long time since a synodical letter had arrived... When the envoys, Anastasios and the two bishops, visited the church at Alexandria, they were filled with admiration for its paintings and decoration... The envoys remained with the holy father John a few days... then he bade them farewell... after he had written for them an answer to their letter.

The synodical letter was apparently translated from Syriac into Coptic before being read out to the congregations in Alexandria.[57]

Ps.-Sawīrus makes many references to the internal correspondence of the patriarchate of Alexandria. It is likely that the language of this

[54] Ps.-Sawīrus avoids Islamic terminology for concepts like alms. The many 'races' would have excluded Muslim Arabs, who will have practised their own, community-based approach to famine relief.

[55] 'Synodikon,' *ODB*: 1994.

[56] *HP* 1/4: 394f. [508f.].

[57] Ps.-Sawīrus summarises the synodical letter of patriarch Mark II in 799 at *HP* 1/4: 408–10 [522–4], as also the synodical letter sent to Mark II by Dionysius of Antioch (*ca.* June 818–17 April 819) at *HP* 1/4: 437 [551].

literature was normally Coptic, since some of it was directed to monks living in isolated localities. There are references to correspondence between the patriarch of Alexandria with the bishop of Fusṭāṭ, who must have been an important intelligence link in view of the presence of the Muslim administration there.[58] It was the latter's task to report to his superior about how friendly some governors were to the church, and about the likelihood of interference in its public life and fiscal structure, which might go as far as discriminatory tax increases and the demolition of churches. It would be valuable to know if the Muslim governors ever inspected ecclesiastical epistles for subversive statements. There were undoubtedly times when they expressed dissent in tendentious and picturesque language, some of which may well survive in ps.-Sawīrus' narratives. John IV was himself present in Fusṭāṭ at the time of such an outbreak of repression (late 790s):[59]

> There was at that time a governor who hated Christ, and Satan suggested to him that he should demolish some of the churches of Miṣr. But the Lord who loves mankind speedily took vengeance on that man, and he suddenly died an evil death. After him there was appointed in his room a person who favoured the Christians. So he directed them to clean out the churches, which his predecessor had begun to pull down, but he did not rebuild them.

The death of a patriarch also generated much correspondence, and ps.-Sawīrus claims to quote some of these missives verbatim. After the death of John IV on 11 January 799, many bishops and monks assembled in Alexandria, and then wrote to Michael bishop of Fusṭāṭ, advising him that they wanted to elect the deacon Mark as the next patriarch.[60] The documentary trail does not end here. Ps.-Sawīrus purports to give an account—one hesitates to call it a transcript—of a conversation between Michael of Fusṭāṭ and the Muslim governor, who had to confirm the new candidate for the patriarchate before the latter could be consecrated:[61]

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[58] This occurred in the patriarchate of John IV, sometime between 776 and 799. *HP* 1/4: 397 [511].

[59] *HP* 1/4: 398 [512].

[60] *HP* 1/4: 404 [518].

[61] *HP* 1/4: 404 [518]. These negotiations took place between 11–27 January, the terminal dates of John IV's death and Mark II's consecration; see Grumel, *Chronologie*, 445.

> The bishops, that is Abba Michael and the envoys, entered into the governor's presence... He said to them: 'What is your business?' Abba Michael replied: 'We make it known to your lordship that our father, the chief and father of our religion, whom we had, is dead.' The governor then asked: 'What then do you desire?' They answered: 'May God lengthen your days! There are heavy taxes on the property of the church, and we therefore want to appoint a successor for him, who may administer the affairs of the church and the people.' The governor then enquired: 'What is his name?' They said it was Mark. So he ordered that Mark's name be written in the *dīwān*.

This quasi-transcript is evidently the reconstruction of the actual conversations after the fact, at the time patriarch Mark II's biography was written in Coptic, later to be incorporated into Ps.-Sawīrus' compilation of lives. It undoubtedly reflects official practice. There are no indications as to what the *lingua franca* of the interview was, whether Arabic or Greek. The ecclesiastical authorities required a competent administrator, whose name could then be written in the *dīwān*, becoming the official addressee of all correspondence pertaining to the fiscal affairs of the Coptic church, which even *ca.* 800 C.E. still possessed considerable taxable wealth in land and precious metal objects convertible to bullion.[62] The new patriarch Mark II (in office 799–819) thereafter received letters from Michael bishop of Fusṭāṭ requiring him to meet the Muslim governor. Mark made a liturgically correct public entry into Fusṭāṭ prior to this meeting, which included the formal and public display of Christian symbols such as gospel manuscripts, processional crosses and censers.[63] He subsequently discussed with the governor the rebuilding of churches destroyed in Fusṭāṭ during his predecessor's tenure of office.[64] The role of Michael bishop of Fusṭāṭ in negotiating these arrangements was an important one.[65] Mark II's consecration as

[62] Ps.-Sawīrus mentions that *ca.* 744 the church of Fayyūm had thirty-five monasteries under its jurisdiction, all of them with extensive properties and having an annual tax of 500 *solidi* / dinars; see *HP* 1/3: 94 [348]. In the work of Abū Ṣāliḥ on the churches and monasteries of Egypt, there are many descriptions of the agricultural properties owned by the Coptic church and of their productive capacities. It is not always easy, however, to trace the fiscal conditions that prevailed in the late twelfth and early thirteenth centuries back to earlier centuries.

[63] *HP* 1/4: 406 [520].

[64] Ps.-Sawīrus gives the impression that this destruction of churches was confined mostly to Fusṭāṭ.

[65] This prelate was superintendent of all matters pertaining to the monasteries at this time, see *HP* 1/4: 405 [519]. It was a politically important function, in that most candidates for vacant episcopal sees were drawn from the monasteries. The right men

patriarch in 799 generated two more documents, one of them the so-called *Exegesis* or *Logos*, which expressed his familiarity with the writings of the orthodox church fathers to the Coptic clergy and laity, and which contained the usual denunciations of the two nature theology of the Council of Chalcedon.[66] The other document was the synodical letter (*al-sinūdīqā* < Gk. *synodikē*) dispatched to Kyriakos the Jacobite patriarch of Antioch. Its content was similar to that of the *Exegesis*, but additionally emphasised the special relationship that existed between the two patriarchal sees. The synodical letter was written in Greek, a fact that underscores the multi-lingual character of the see of Alexandria and the continuing use of Greek as an eastern Mediterranean *lingua franca* in interregional correspondence.[67] Ps.-Sawīrus observes:[68]

> This letter he sent by two bishops who understood how to pronounce an oration in Greek (*maʿa usqufayn fahimay 'l-khiṭāb bi-kalām al-yūnānī*), one of them being Mark the wise bishop of Tinnīs, the other also Mark bishop of al-Faramā, besides the deacon George, superintendent of the church of Alexandria.

The bishops of coastal cities like Tinnīs and al-Faramā (ancient Pelusium) were more likely to be conversant with Greek in view of the seafaring and overland contacts these places had because of their manufacturing industries.[69] Kyriakos' letter of reply completed the cycle of correspondence and meetings pertaining to the patriarch's appointment. It was read in the churches of Egypt.[70]

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had to be selected, because of their need to negotiate directly with the local Muslim and Christian civil officials. At this time the bishop of Fusṭāṭ was the Coptic patriarchate's chief recruiter for the episcopate.

[66] *HP* 1/4: 405 [519].

[67] The continuing importance of Greek in the Coptic church is seen in the fact that a deacon was teaching it at the specific behest of patriarch Mark II *ca*. 799–819; see *HP* 1/4: 483 [597]. This is corroborated by the continuous use of Greek in the Christian epigraphy; see *IGC-Aeg*., no. 541. There are sixth century examples of school pieces written in Greek at the monastery of St. Epiphanius at Thebes (*P.Mon.Epiph.*, pp. 135f.). Greek periodically turns up in Coptic legal documents (*P.KRU* 6, 10, 11, etc. and an eighth-century trilingual declaration survives (*P.Cair.Arab.* III 167). The epigraphic evidence suggests a much earlier transition from Greek to Syriac in the countryside around Antioch, where significant numbers of ecclesiastical installations existed, between *ca*. 666/7 and 716/7 C.E.; see Trombley 2004a: 357f.

[68] *HP* 1/4: 409 [523].

[69] Tinnīs was an important centre for the manufacture and export of brocade and other cloth products till the town was evacuated to Damietta in 1192 C.E., another important centre for this industry. Abū Ṣāliḥ, 62f. and notes.

[70] *HP* 1/4: 410 [524].

Christian marriage contacts turn up in the Arabic and Coptic papyri throughout the Abbasid period.[71] Among other things these documents contain specific provisions for the disposition of moveable and real property, the expected behaviour of the parties engaged and formal acts of witnessing the document. A gift in currency was normally expected, as for example in a dowry contract of 7 January 948, where the gift consisted of 90 gold *solidi/dīnār*s that were of good quality, had not been 'clipped' and had been weighed.[72] Of these, 15 *solidi* had to be paid immediately. In this instance a deacon (Theodore b. Samawīl b. Panīla Lāris b. Shanūda) was marrying the daughter of a presbyter (Yuḥannis Buqṭur b. Yuḥannis). These sums must have come from years of saving, or perhaps a sale of property that goes otherwise unmentioned. The dowry agreement pledges full compliance and good relations between the principal parties in future. The document was witnessed by four men with Arabic names who were undoubtedly Muslims. It expresses no particularly religious sentiments, perhaps because of this fact, and also that the language of the medium was here Arabic.

The life of Menas II (in office 956–74) contains some allusions to the provisions of marriage contracts that affected his early life.[73] Ps.-Sawīrus indicates that Menas wanted to pursue a monastic career, but was compelled by his parents to marry. His wife was said to be 'of his family and tribe', a reflection of Egyptian close kinship marriages.[74] He is furthermore said to have persuaded his wife in the bridal chamber to maintain perpetual chastity by using arguments from the Christian scriptures about the futility of life in the world, and then to have made off to Wādī Ḥabīb. After his disappearance, the woman's family wished to marry her to another man. This may imply that they intended to appropriate the compulsory dowry gift of her husband Menas for this purpose. The woman refused, and the situation was finally clarified.[75] It is of some interest to clarify the reasons for the couple's behaviour from the marriage contracts that survive.

When one turns to a Coptic dowry contract for comparison, the explanation of Menas' behaviour becomes somewhat clearer. The document in question belongs to 946 C.E. (being dated to year 663 of the

[71] Abbott 1941.
[72] *Chrest.Khoury* I 10, lines 3f.; cf. *ed. pr.* at Abbott 1941.
[73] Abbot 1941.
[74] For the Graeco-Roman period, see Hopkins 1980.
[75] *HP* 2/2: 124–6, etc.

era of Diocletian).[76] The agreement (*homologia*) was arranged between the deacon Poushair son of the presbyter Poulfarag (*viz.* Abū 'l-Faraj) son of Stauros and his first cousin Seth Alpaha, daughter of the deacon Pouhalip.[77] In this instance the agreed sum of the dowry was 100 *solidi* / *dīnār*s from the mint at Babylon, with an immediate payment of 20 *solidi*, and the remainder at the end of five years.[78]

It is after this that the divergences begin between this contract and the typical Arabic ones. There are expressions of sentiments: "He will love and cherish her as his own soul." Provision is made for Muslim witnesses as guarantors for the payment of the outstanding 80 *solidi*, but the witnesses to the actual transaction were six members of the Christian clergy and a Coptic scribe. Citing the Christian clergy, all of them presbyters and deacons, the agreement indicates:

> And this husband, to whom we [the undersigned] declare we will be witnesses for him to the other Arab (*arabikos*) witnesses from among the barbarians (*ethnos*) who are appointed for our country with regard to the 80 *solidi*, [we will] pay them to his wife, whose name we have set forth above, in accordance with the requirement (*chreos*) of five years.

At first sight, it appears that the usual Muslim witnesses who populate most Christian marriage contracts of the Abbasid period have been kept out of the reciprocal pledges and agreements, and are mentioned only obliquely in connection with Poushair's legal obligation to make a further payment.[79]

The document has a rather long theological annex, which brings it into connection with the story of patriarch Menas II's unconsummated

[76] All translations adapted from the *ed. pr.* at Thompson 1912. There is a large corpus of mostly eighth century legal papyri from Jeme-Thebes, but not of them address questions of family law, marriage contracts or dowry agreements. See the eighth page of A.A. Schiller's introduction to *P.KRU* (without pagination). Cf. Till 1954.

[77] The first element of the woman's name may come from Arabic *sitt*, 'lady'.

[78] Cf. the nearly contemporary Christian dowry agreement at *Chrest.Khoury* I 10 (7 January 948).

[79] So, for example, there are Muslim witnesses in the dowry agreement at *Chest.Khoury* I 10 (7 January 948). There are early examples of deeds of sale, however, in which Christians signed exclusively as witnesses. To mention one case, there is a document mentioning the transfer of a courtyard of some kind dating between *ca* 772/3 and 813 (Till 1939: 46–9). There is a very rare example of a Coptic signature in an Arabic contract of sale (Edfu, 3 April–3 May 854). It concerns what was apparently a Muslim-Christian married couple, Yazīd and Yūna, daughter of Helīsa. The subscriptions include eight men with Muslim names, and the signature of a certain Moses Aron in Coptic. There are blank spaces for two more signatures after his name (*P.Cair.Arab.* I 56).

marriage, and provides a possible rationale for his wife's co-operation in this. The contract continues:

> It is right for you to hearken to him and be humble to him in accordance with apostolic precepts: 'The man is the head of the woman, as Christ is also the head of the church'... Therefore be you of one mind together, and the God of peace will make your souls perfect and will comfort your paths in all peace, etc.

This is not necessarily the sort of theological rhetoric a bride might expect on her wedding night. About Menas' wedding night ps-Sawīrus observes:[80]

> (Menas quotes 1 John 2: 17) 'The world will pass away and all its desires, but he who does good endures forever.' (NB the last clause is absent from the Sahidic and Bohairic text of the New Testament) When he had reassured the woman's mind with these words and similar ones from the Holy Scriptures, to preserve the chastity of their bodies, he remained thus until he had strengthened her faith. Then he said to her: '...Sit down now in your house and I will go to Wādī Ḥabīb.'

The point of this is that Coptic marriage contracts frequently embodied sentiments of male dominance and scriptural justifications for the state of Coptic society. A man like Menas who was bent on pursuing a monastic career might well have succeeded in manipulating the language of the marriage contract to justify his intention. In other words, there may be a documentary substrate of the type of reasoning that ps-Sawīrus attributes to Menas. It is also significant that the Coptic marriage contract of 946 clearly demarcates the sphere of the Arab barbarians *vis-à-vis* Christian marital practice, no doubt in view of the fact that a good many Muslims of the locality—the provenance of the document being unknown—would have been unable to understand Coptic. In some communities Muslim and Christian villagers associated closely when weddings and liturgical events took place. Writing in the early thirteenth century, Abū Ṣāliḥ mentions communal matrimonial and calendar practices at Isnā that seem to have gone back many centuries:[81]

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[80] *HP* 2/2: 125.
[81] Abū Ṣāliḥ, 278f. (fol. 102 a–b).

> And at the weddings and other rejoicings of the Muslims, the Christians are present and chant in the Sahidic dialect of Coptic, and walk before the bridegroom through the market-place and streets; and this has become a recognized custom with them, [and has continued] up to our own day. And on the night of the feast of the Holy Nativity (*fī layla ʿīd al-mīlād al-muqaddas*), every year, the Muslims, as well as the Christians, burn candles, and lamps, and logs of wood in great numbers.

The villagers found a common ground through the Qurʾānic traditions about the virgin birth and prophetic status of Jesus.[82] Other traditions persisted as well: the Coptic Vienna Farmers' Almanac, a parchment manuscript (ninth–tenth century), mentions auspicious days for marriage feasts.[83]

A divorce decree of 2 October 909 survives in the papyri of the Fayyūm. Although an isolated case, the document suggests that Christians were by this time procuring divorces in a manner analogous to Islamic law:[84]

> In the name of God the merciful, the compassionate. The witnesses named in this document have testified in confirmation that Sawīra b. Ibshāda has irrevocably repudiated his wife Qasīdaq, daughter of George the monk, three times, without revocation (*rajʿa*) or reservation on her part, in order that she might marry another spouse. (There follows a list of witnesses, all of whom have Muslim names, and Sawīra's formal recognition of the act.)

The document uses the terminology of the Islamic law of divorce;[85] but it fails to mention the disposition of a dowry (*ṣadāq*) or nuptial gift (*mahr*).[86] It may be that any dowry that existed was subject to a separate contract.[87] If there was coercion by parents or parents-in-law, as happened in the case of patriarch Menas II's youthful marriage, it would not have appeared in the decree because Sawīra and Qasīdaq, and not their parents, were the contracting parties. Matrimonial, dowry and divorce agreements are useful examples of the limitations of documents when one is attempting to reconstruct patterns of behaviour in historical context.

[82] Suras 3: 45–7 and 19: 22–33.
[83] Wilfong 1999: 230f.
[84] *Chrest.Khoury* I 17.
[85] Schacht 1964: 163–5.
[86] Schacht 1964: 167.
[87] E.g. *Chrest.Khoury* I 10.

To conclude, then, this exercise has identified various documentary contexts that lie behind the sometimes loosely constructed biographical narratives in ps-Sawīrus' *History of the Patriarchs*. A more complete study of this work, and the comparison of its Arabic text with known documents in the papyri, would undoubtedly lead to a better understanding of the varieties of Christian texts that have been lost, and at the same time enable us to discover the full extent of the archives that once existed in provincial churches and the great ecclesiastical centres like Alexandria and Fusṭāṭ, in terms of genres of documents. This can possibly provide a vehicle for the interpretive study of the conditions and movements in Coptic society that are reported in key Muslim authors like Kindī.

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AN EARLY ARABIC BUSINESS LETTER

Alia Hanafi

The papyrus discussed in this paper belongs to the collection of the late Dr. Hassan Ragab and is now kept at the Centre of Papyrological Studies and Inscriptions (ACPSI) of ʿAin Shams University under inventory number 113. It is light brown in colour. Three fold lines may perhaps be identified parallel to the writing. Its original margins are preserved on all sides except the upper side.

Only nine complete lines survive, in black ink, all on one side at right angles to the horizontal fibres of the papyrus; the verso is blank. The character of the handwriting points to the end of the first/seventh—beginning of the second/eighth century and resembles what is commonly called 'Kūfic.'[1] Certain diacritical points are written in, namely on the letters *bāʾ, tāʾ* (both in l. 7), *thāʾ* (ll. 1, 8, 9), *yāʾ* (l.1), *fāʾ* (ll. 3, 5) and *ẓāʾ* (l. 4). Although other dotted letters appear in first century A.H. papyri, it is nevertheless an interesting coincidence that Ibn al-Athīr (d. 630/1233) in his *Usd al-ghāba* writes that the first two Arabic letters written with diacritical points were the letters *yāʾ* and *tāʾ*.[2] Zayn al-ʿĀbidīn has also pointed out that the Qurʾān is said to have been written without diacritical dots for the first forty or so years after its compilation—until the diacritical system was allegedly introduced by Abū al-Aswad al-Duʾalī (d. 69/688) and his students Yaḥyā b. Yaʿmar Naṣr b. ʿĀṣim al-Laythī (d. 129/746)[3] and Ibn Sīrīn (d. 106/724).[4]

Our document is a business letter and seems to have been addressed to a cloth-merchant by his agent or partner. Neither the name of the cloth-merchant nor that of the sender of the letter is preserved. The sender complains about the sluggishness of the textile market, and mentions one and a half pounds of pepper which he perhaps bought for

[1] Cf. Zayn al-ʿĀbidīn 1394/1974: 3074, nos. 5, and 84; no. 273 and the note on page 307.
[2] 1, 193; 314 n.
[3] See Ibn Khallikān (d. 681/1282), *Wafayāt al-aʿyān*: 175.
[4] Zayn al-ʿĀbidīn 1394/1974: 314 n.

or sent to the addressee (ll. 2–3). He then explains in reply to a question about the eight *dīnār*s which a certain Hāniʾ ibn Namir owes for the price of a loin wrapper (ll. 3–5) that some unnamed people have claimed that the money has already been received by the sender. He then goes on to say that the gold which the addressee had sent with a certain Qays ibn Ḥajar (ll. 6–8), whose name possibly also appears at the beginning of the letter (l. 1), covers part of the payment price for the three garments that the sender has returned with the same Qays ibn Ḥajar, and for one other garment, namely a pilgrim's habit, which he has kept for himself (l. 9).

P. ACPSI No. 113 (P. Rag.)

Provenance unknown — 17.2 × 16.5 cm
First/seventh century — Plate 8

1. قيـ] ـس بن حجر وان الثيـب
2. اكسد ما رايتها قد وبرطل
3. ونصف فلفلا ولـ]ـقـ[ـد كتبت الى فى
4. شان ثمـنية دنـنير من ثمن الازر على
5. هانى بن نمر فزعموا انها قد بلغتك
6. والسلم عليك ورحمت الله وان
7. الذهب التى ارسلت مع قيس بن حجر
8. من ثمن الثلثة الاثوب التى مع قيس بن حجر
9. والثوب الذى لحقى فى الحج

1- L. الثياب. 2- L. قط. 4- L. ثمانية, L. دنانير. 5- L. هانىء. 6- L. والسلام, L. ورحمة. 8- L. الثلاثة. 9- الثوب (البـوث pap.)
diacritical dots:

1 الثيب 2 رايتها 8 الثلثه 9 البوث

Translation

1. … Qay]s ibn Ḥajar, and as for the clothes,
2. the market is more stagnant than I have ever seen it, and with one pound
3. and half of pepper. And you [have] written to me concerning

4. the subject of the eight *dīnār*s for the price of the waist wrapper which is due from
5. Hāniʾ ibn Namir. Well, they claimed that you have already received them (= the *dīnār*s).
6. Peace be upon you and God's mercy. And
7. the gold that you have sent with Qays ibn Ḥajar
8. is for part of the price for the three clothes which are with Qays ibn Ḥajar
9. and for the garment which is my entitlement for the pilgrimage.

Commentary

1. The beginning of the text, which is lost, we can assume bore the *basmala* and opening greetings for the addressee (cf. e.g. *P.Cair.Arab.* II 79).

At the beginning of this first line we may restore the name Qay]s ibn Ḥajar who is mentioned later in the letter (ll. 7, 8).

Thiyāb. The elision of medial long *alif* (*scriptio defectiva*) which was mostly restricted to nominal forms is frequently encountered in early Arabic papyri (Hopkins 1984: § 10, a).

2. The word *raʾaytuhā* was written without *hamza* above the *alif* (Hopkins 1984: § 20a).

Qaṭṭ is used chiefly with the perfect or jussive meaning "ever" or, when used with the negative, "never" (Wright 1962: 1, § 262d, aa). For attestations in the papyri see, for example, Raghib 1978: text 3.5 (fourth/tenth century). *Qaṭṭ* is here written with *dāl* instead of *ṭāʾ*. Although the exchange of *ṭāʾ* with *dāl* has so far not been noted by modern scholars, Ibn Manẓūr (d. 711/1311–12) wrote in his dictionary, *Lisān al-ʿArab* (2, 1310): الدال حرف من الحروف المجهورة ومن الحروف النطعية وهي الدال والطاء والتاء في حيز واحد. ("The *dāl* belongs to the *majhūra*[5] [voiced sounds] and the *niṭʿīya* letters [those letters that are uttered by passing the tongue against the rough or corrugated portion of the palate],[6] which are the *dāl, ṭāʾ* and *tāʾ* all together."). Since *dāl, ṭāʾ* and *tāʾ* all belong to the same group

[5] The *majhūraʾ* (voiced sounds) letters consist of nineteen letters ظل قو ربض إذ غزا جند مطيع. For the *majhūraʾ* letters (voiced sounds), and the *mahmusaʾ* letters (voiceless sounds) see Ibn Manẓūr, *Lisān al-ʿArab*: 1, 710; 6,4699; Langacker 2005: 3; Cameron Mansfield 1997: 37; Daniel Jones 1947: 88; Moscati *et al.* 1946: 37ff.

[6] Wright 1962: 1, § 81d.

of letters (*al-ḥurūf al-niṭʿīya*) they can be exchanged in the colloquial. I know of no such example from the Arabic papyri, but a close parallel is found in the exchange of two other letters belonging to the same category, namely *dāl* and *tāʾ* which were written as double *tāʾ* in *ḥamattu Allāh* for *ḥamadtu Allāh* ("I praise God"), which occurs in an unpublished Michaelides papyrus (third/ninth century) (Hopkins 1984: § 30c).

Wa-bi-raṭl wa-niṣf filfilan. Because the beginning of the text is lost, the meaning and function of the preposition *bi-* is unclear. It is likely that the one-and-a-half pounds of pepper are mentioned in a parallel construction with some other product purchased for or sent to the addressee. The use of the connective particle *wa* and the accusative form of the noun, indicating its grammatical function as a direct object, suggest that we should reconstruct a transitive verb in the lost part. We can reconstruct for example: *wa-baʿathtu ilayka bi-kadhā wa-bi-raṭl wa-niṣf filfilan* ("I sent you something and one and a half pounds of pepper"). Cf. Wright 1962: 22 § 56, d. and the example *baʿatha ilayya bihim*.

Inna al-thiyāb aksada mā raʾaytuhā qaṭṭu. For defective long *ā* in *thiyāb*, see the commentary to line 1. This sentence shows that there was period of stagnation in the cloth trade at this time, which might have extended to other industries as well. There may have been many reasons of course for this stagnation and without a firm date for our letter it remains difficult to link it to specific historical events or circumstances. Third/ninth-century complaints about a slow textile market in Fusṭāṭ are recorded in the letters sent and received by the Banū ʿAbd al-Muʾmīn edited by Yūsuf Rāghib.[7] Reports of temporary market slow-downs in the later mediaeval period in Egypt and the markets where Egyptian merchants were active are also recorded in the Geniza documents.[8] It is clear that in most cases a sluggish market was a temporarily problem due to specific circumstances, such as the delay of the arrival of shipments of goods, or rumours about the conditions of trade in other market towns.

3. *Laqad katabta ilayya*. The reading of the first letter before the small *lacuna* may be read as either *alif* or *lām* (cf. l. 8 *allatī*) and the last letter as either *dāl* (cf. l. 2 *qad*) or *kāf* (cf. l. 5 *balaghatka*). In the *lacuna* one letter should be restored and we can read either *wa-innaka katabta ilayya* ("and

[7] *P.Marchands* III 2.3; *P.Marchands* V/I 5.9; 7.11–12.
[8] Margariti 2002; Goitein 1967–1993.

you wrote to me") or *wa-laqad katabta ilayya* ("and you have written to me"). I prefer the latter suggestion using *qad* plus the perfect as it is common in documentary papyri (e.g. *P.Heid.Arab.* I 1. 5–7, dated 91/709).

Ilayya is written with an extra tooth, but cannot be read differently.

4. *Sha'n* is written without diacritical points over the *shīn* (Zayn al-ʿĀbidīn 1394/1974: 84, no. 273).

Thamāniyat danānīr min thaman al-ʾizār. For the writing of defective long *ā* in *thamāniya* and *danānīr*, see the commentary to line 1.

The *ʾizār* was an unsown cloth that was used as a loin cloth to wrap the lower part of the male body. The term is especially used in reference to the two wraps of white unsown sheets worn by men during the pilgrimage to Mecca. The *ḥajj* is the fifth pillar of Islam, obliging Muslims who are able to make the journey to travel once in their lifetime to God's house, the *kaʿba*, in Mecca during the twelfth month of the Muslim calendar, Dhū ʾl-ḥijja. When entering the sacred area around Mecca a pilgrim must take on the state of *iḥrām*, or ritual consecration during which he is dressed in two sheets of unsown cloth (*malābis al-iḥrām* or *malābis al-ʾizār*). The removal of the pilgrim's everyday clothes and the putting on of the simple form of dress symbolises the important transformation from ordinary life to the state of pilgrimage. It reminds the pilgrim of his position in relation to his God, namely that he is the humble servant of his creator. It also reminds him that after death he will be wrapped in white sheets while his favourite or expensive clothes will be left behind.

The price of more than eight *dīnār*s for such a cloth seems very high. Several dossiers of third/ninth century papyri related to textile merchants active in the Fayyūm and Fusṭāṭ offer information for the prices paid for other items of clothing. The price depended on the quality of the textile and the kind of clothing purchased. Three pieces of cloth (*thawb*) were bought for 20 ⅓ *dirham*s (*P.Marchands* III 43.3); four pieces (*thawb*) for 21 *qīrāṭ*[9] (*P.Marchands* III 41.9–10); a piece of cotton cloth (*al-thawb al-quṭn*) for 14 ½ *dirham*s (*P.Marchands* III 36.12–13); six items of cloth/clothing (*thawb*) for 1 ⅞ *dīnār*s, three for one *dīnār*, and another three for 21 *qīrāṭ* (*P.Marchands* III 34.8–9); a piece of spun cloth (*thawb*) from Tinnīs was sold for four *dirhams* (*P.Marchands* III 33.7–8); five pieces of cloth (*thawb*) for ¾ *dīnār* (*P.Marchands* III 19.6); four pieces (*thawb*) for

[9] For the Egyptian *qīrāṭ*, see Hinz (1970), 27.

one *dīnār* and two *qīrāṭ*s (*P.Marchands* III 18.6–7); three pieces (*thawb*) for 1 1/6 *dīnār*, and three more for one *dīnār* and one *qīrāṭ* (*P.Marchands* III 9.4); four pieces (*thawb*) for 1 1/6 *dīnār*, and three for 19 *qīrāṭ*s (*P.Marchands* III 1.7–8); 37 pieces of cloth (*thawb*) for nine *dīnār*s (*P.Marchands* V/I 23.4). For another papyrus giving an account of different items of clothing, see *P.Marchands* V/I 15.5–12.[10] All these texts date from the third/ninth century.

5. Hāniʾ. Final *hamza* is usually elided in the papyri (*P.Khalili* I 16.8; 18.8, both third/ninth century). For the Arabic name Hāniʾ see for example the famous poet Abū Nuwās Ḥasan b. Hāniʾ (d. 198–200/813–15).

Fa-zaʿamū is written in the third person plural although the sender refers to a single person, namely Hāniʾ ibn Namir. The sender might have meant to use the singular, or he might have used the plural to refer to Hāni's family or business partners.

6. *Wa-'l-salām ʿalayka wa-raḥmat Allāh*. For the elision of medial long *ā* see the commentary to line 1. The *tāʾ marbūṭa* in *status constructus* can be spelled as *tāʾ maftūḥa* in the Arabic papyri (Hopkins 1984: § 47a).

Typically, final greetings such as these would close a letter such as this, but the sender adds a postscript.

7. *Al-dhuhub allatī*. We should probably read *dhuhub* as a plural rather than a singular because although the plural is rare it agrees with the relative pronoun *allatī* (Wright 1962: 1, § 347) and it is rare to find *allatī* for *alladhī* in Arabic papyri (Cf. Hopkins 1984: § 83c, iii, n. 14; § 290, where Hopkins mentions only one example.).

8. *Min thaman al-thalāthat al-athwāb allatī maʿa Qays ibn Ḥajar*. For the elision of medial long *alif* in *thalātha* see the commentary to line 1. The grammarians from Kūfa allow the placement of the article on the adjective if the adjective is a cardinal number and the genitive is a number of object (Zamakhsharī [d. 538/1144], *Al-Mufaṣṣal fī ṣināʿat al-iʿrāb*:

[10] For definitions of these terms of clothing see also the *Encyclopaedia of Islam* and Ibn Manẓūr, *Lisān al-ʿArab* s.v.

1, 114: "تجريد المضاف من التعريف وقضية الإضافة المعنوية أن يجرد لها المضاف من التعريف وما تقبله الكوفيون من قولهم الثلاثة الأثواب والخمسة الدراهم فبمعزل عند أصحابنا عن القياس واستعمال الفصحاء". Cf. Ibn Hishām [d. 761/1359], *Sharḥ shudhūr al-dhahab*: 1, 216 "وللكوفيين كلهم في إجازة نحو الثلاثة الأثواب ونحوه مما المضاف فيه عدد والمضاف إليه معدود").

9. *Al-thawb alladhī li-ḥaqqī fī al-ḥajj*. In the word *thawb* the diacritical dots of *bāʾ* and *thāʾ* seem to be exchanged, so that the word in the papyrus seems to read "*bawth*."

The *thawb* referred to here is probably an ordinary garment that the sender would wear on his journey from Egypt to Mecca, for the purpose of performing the pilgrimage, rather than the special clothes worn during the *ḥajj* for which special words were used (cf. the commentary to line 4). After the Arab conquest clothing restrictions were allegedly imposed on all non-Muslim Egyptians, so that Muslims, Christians and Jews were recognisable from their manner of dress. Muslims wore trousers (*sarāwīl*), turbans (*ʿimāma*), caps (*qalānīs*), mantles (*ardiya*), and the women wore dresses (*jilbāb*). For the clothes worn by Muslims and non-Muslims in early Islamic Egypt, see Ramaḍān 1994: 88–9.

The expression *li-ḥaqqī* means that the sender should not pay for his garment. The dress might have been an allowance given by the cloth-merchant to his agent. It was not uncommon that the owner of a commercial enterprise paid his workers in kind from the products he produced. See the sixth or seventh-century C.E. unpublished account of wine in which the owner of a vineyard gives each of his workers a jar of wine from the production of his farm as salary (P.Egy.Mus. s. r. 3733).[11]

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[11] Hanafi (forthcoming).

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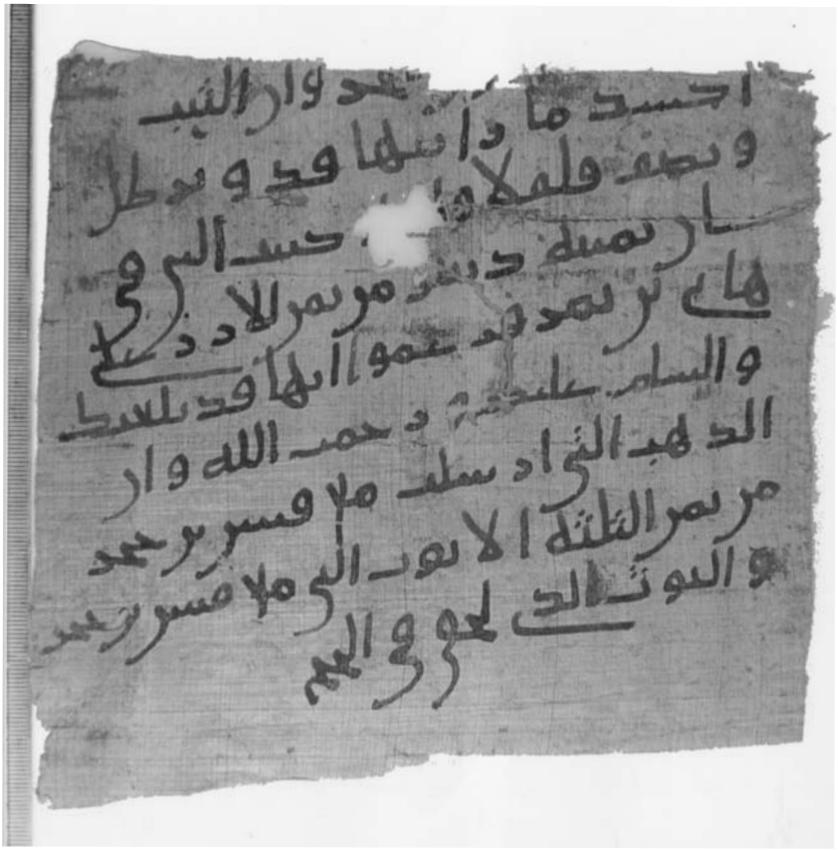


Plate 8 P. ACPSI. no. 113 (P. Rag.)

THE ARCHIVAL MIND IN EARLY ISLAMIC EGYPT: TWO ARABIC PAPYRI[1]

Petra M. Sijpesteijn

Introduction

It has been said that before the arrival of the Ottomans, with their obsessive love of filing cabinets and triplicate copies, systematic record-keeping was a foible of which the Middle East was largely innocent. Michael Chamberlain has even gone so far as to argue that a thoroughgoing documentary culture was, in fact, superfluous. If documents exist to clarify the potentially contestable, the Muslim élite, utterly secure in the enjoyment of its rights and privileges, simply had no need for the kind of legal buttressing and protection they provide.[2] The result was not just a paucity of documents and archives, but the lack of an 'archival mind.'

For the later medieval period, any supposed aversion to paperwork on the part of Muslim administrators has been convincingly refuted. As is now evident, private and public archives from this period, indeed, exist in some abundance.[3] The absence of state archives, moreover, far from

[1] The two papyri presented in this paper were first worked on in the text workshop of the second International Society for Arabic Papyrology conference in Granada in March 2004 by all conference participants. Research on these two papyri was conducted with a British Academy research grant, which allowed me to visit the papyrus collections in Vienna and Princeton. This paper has been improved in various ways by the comments and criticisms of Werner Diem, Gladys Frantz-Murphy Geoffrey Khan, Alexander Schubert and Lennart Sundelin. Any residual errors remain, of course, my own.

[2] Chamberlain 1994: 13–16. The same *argumentum e silentio* that had propped up the thesis that pre-Ottoman *qāḍī*'s did not keep archives has been vigorously dispatched by Hallaq (see Hallaq 1998: 415 n. 1). This is not to dismiss Chamberlain's point out of hand, however. It is worth pointing out in this regard that roughly half the land in England and Wales is currently not included in the national Land Registry, and it is the largest plots that are most often unregistered. The reason for this, it would seem, is that the threat of a challenge to their possession is sufficiently remote that the owners feel taking the precaution of having their title formally recorded unnecessary ("Finding out Who Really Owns Britain Isn't Easy," *Sunday Times*, 8 January 2006).

[3] Government activities engendered assiduous and prolific document-keeping of all sorts. Responses to petitions and other complaints to the ruler were scrupulously

pointing to a poorly developed record-keeping instinct, often shows, paradoxically, the archival mind at its most diligent and industrious. Maqrīzī's (d. 845/1442) great fifteenth-century work, the al-Mawāʿiẓ wa-ʾl-iʿtibār fī dhikr al-Khiṭaṭ wa-ʾl-athir, for example, owes its existence in part to a rigorous spring clean at the Mamlūk chancellery, since Maqrīzī partially composed it on the backs of documents sold by the chancellery as scrap paper.[4] Or again, when Ṭūlūnid chancellery officials fled in the face of the advancing Ikshīdids, they made sure to take their tax registers with them, since they knew how crucial these documents were to the effective running of Egypt. But in doing so they thereby ensured, unfortunately, their loss.[5]

These examples, it could be argued, however, come from Islam in its maturity, when its governing structures were fairly settled and orderly. What of the earlier period, when Muslim rule was relatively fresh?

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recorded by the chancellery in the Fāṭimid period, as documents preserved in the Geniza of the Ben Ezra synagogue in Old Cairo show (*P.Genizah*: 304). The decisions made in the *maẓālim* courts, where complaints were presented in person, were recorded for future reference as well. Ibn al-Ṣayrafī (d. 542/1147) and Qalqashandī (d. 821/1418) devote a whole section to the procedure of delivering, answering and storing answers to petitions and complaints (*Qānūn dīwān al-rasāʾil*: 38–41; *Ṣubḥ* I: 110–11). Ibn al-Ṣayrafī lists among those working in the Fāṭimid *dīwān*, the *khāzin* or archivist who had to keep track of all documents entering the *dīwān*, preparing *fihrist*s, inventories of all incoming and outgoing mail per day, with lists of all the translations made of documents received in non-Arabic languages. The correspondence was put in *dafātir* and *tadhākir* for future reference (*Qānūn dīwān al-rasāʾil*: 34–8; quoted by Qalqashandī, *Ṣubḥ* I: 133, 135–6). See also Khwārizmī's (d. 387/997) description of the recording and copying of documents by the *kuttāb* in the chancellery (*Kitāb Mafātīḥ al-ʿulūm*: 78–9). See also Gronke's discussion of the similarities in the formulae used in private and official documents and by extension the importance of exact recordings (1984) also in private transactions.

[4] Bauden 2004. Maqrīzī (d. 845/1442) mentions that documents from the *dīwān al-inshāʾ* were sold per *qinṭār* (*Khiṭaṭ* III: 730). In other places, such as the Geniza of the Ben Ezra synagogue in Fusṭāṭ and at Quseir al-Qadīm, groups of related documents have been found which were obviously preserved for reference before being thrown away *en bloc*. See for example the more than 300 letters and documents related to the eleventh-century merchant banker Nahray b. Nisīm which were preserved in the Cairo Geniza (Goitein 1973: 145–74). For the documents found at Quseir al-Qadīm, see Guo 2004. The relationship between the documents found in the "Sheikh's house" even led Guo to conclude that the documents found in this building's remains were in fact the business archive of several generations of one merchant family left *in situ*, while those documents dealing with other people are said to have been delivered to the house, which was used as a postal address, on others' behalf (2004: 11, 25). See Cohen for a different interpretation of this cache of documents, namely that the building served as a Muslim *geniza* (forthcoming). Judicial archives from the Mamlūk period have been discovered in the Ḥaram al-Sharīf and elsewhere (see Hallaq 1998: 415–6).

[5] The importance of these records, and the disruption their loss caused, is discernible in the subsequent land leases, which detail information that would formerly have been recorded centrally (*CPR* XXI: 48). E.g. *CPR* XXI 21, dated 272/885 and 28, dated 310/922.

Even here we see signs of a record-keeping habit. Narrative sources describe how the caliph ʿUmar I (r. 13–23/634–44) established the *dīwān* for the collection of taxes and the payment of '*aṭā*' to soldiers in 20/640—an institution, moreover, that does not seem to have had a precedent in the Byzantine or Sasanian empires.[6] Records were kept of the soldiers and their families who were eligible for a stipend, with officials being sent to the garrisons to keep track of births, deaths and the arrival of newcomers.[7] Under the Umayyads the *dīwān* developed an array of specialised chancellery offices dealing with correspondence, agricultural taxes, *zakāt* and *ʿushr* taxes, etc.[8] In Egypt the *dīwān* was allegedly set up by the conquering general and first governor ʿAmr b. al-ʿĀṣ (in office 18–25/639–45 and 38–44/658–64), while the financial director and later governor ʿAbd Allāh b. Saʿd b. Sahl (in office 24–35/644–56) is credited with the foundation of the Egyptian *dīwān al-kharāj*.[9] Nor does evidence for the Umayyad *dīwān* come just from narrative sources, but it can also be found among the papyri, where a variety of documents survive attesting to its activities and administrative reach.[10] The importance of meticulously kept records at the local level is demonstrated by an eighth-century Greek papyrus listing prisoners among whom some who had set fire to a fiscal register.[11]

The two texts examined in this paper are important because they throw additional light on the workings of the Muslim administration, and, by extension, the Muslim bureaucratic instinct. In doing so, they bring us that much closer to understanding the degree of bureaucratic

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[6] Duri 1965: 323.

[7] The caliph Muʿāwiya (r. 41–60/661–80) had appointed an official to register each day any births and arrivals of new-comers amongst the Arab tribes in Miṣr (Maqrīzī, *Khiṭaṭ* I: 252). Large-scale updates to the *dīwān* were made by censuses conducted under different Egyptian Umayyad governors (Kindī, *Kitāb al-Wulāt* 86; Maqrīzī, *Khiṭaṭ* I: 252).

[8] Gottschalk 1965.

[9] Kindī, *Kitāb al-Wulāt*: 71; Maqrīzī, *Khiṭaṭ* I: 252; *History of the Patriarchs*: 50.

[10] One unpublished first-second/seventh-eighth-century list of houses in Fusṭāṭ and the individuals living in them might be related to the record-keeping of Arabs on the *dīwān* (OI 17656). A first/seventh century Arabic list of names ordered in groups falling under the responsibility of different tribal members, looks like a document stemming from the military *dīwān* (*P.Mil.Vogl.* 6). For another possible example, cf. Morimoto 1994. A poll tax register dated 117/735 would have been prepared for the Muslim administration (Grohmann 1934: text 6, provenance unknown). A *dīwān* of Lower Egypt is mentioned in a papyrus dating from just after the Abbasid take-over (*P.Cair.Arab.* IV 143, dated 143/761). See also the undated census role mentioning family (house) numbers, *P.Ryl.Arab.* V 1. See for further examples below.

[11] Morelli 2004: text 1.13.

and administrative sophistication that the Muslims brought to their empire. While they did not necessarily belong to archives, they both show the premium placed in early Islamic Egypt on keeping careful track of people and property in lists, record books, ledgers and registers. And they show, through the level of their detail and their concern for the integrity of the written record—in both letters the sender draws attention to an anomaly he has observed in the records that requires emendation—the pervasiveness and precision of record-keeping at this time.[12]

Moreover, other examples from contemporary letters support the observations made on the basis of our two letters.[13] Far from revealing a world in which the impetus to record and archive was either unknown or unimportant, our papyri are the product of a culture seemingly deeply involved with and committed to maintaining written records—records which were diligently kept, adjusted for accuracy and available for consultation and future reference both in private and public life.

But if these letters illustrate—along with the many other documents left by medieval Muslim society on papyrus, paper, parchment and other materials—the concern in early Islamic Egypt to document and record, what they chose to write down also shows us the kinds of things on which this concern was focused, what was considered important and how this society was organised.

[12] It is worth pointing out in this context that the very first Arabic papyri, dating from the eighth-century, ever discovered (at Saqqara in 1884) were in an archive, stored together in a small sealed ceramic jar, the preferred method of preserving document 'files' (Sundelin 2003). Similarly, the papers of the late seventh-century pagarch Papas were unearthed by French excavators in Edfu at the beginning of the twentieth century in a large sealed ceramic jar (*P.Apoll.*: v–vi). That this custom continued into the later period is evidenced by the ceramic jar discovered in 1997 at the site of the modern monastery of Naqlūn in the Fayyūm oasis. The jar contained 50 paper and parchment documents dating from the late tenth/eleventh century which related to a local Muslim family of land-owners (Gaubert and Mouton 2004). Other texts, while not stored together in containers, can also be clearly identified as having come from sheaths of connected documents discarded as a group. A corpus of letters written to an early eighth-century administrator of the southern Fayyūm currently kept in several North American and European university and library collections was almost certainly found together in the oasis before being dispersed on the antiquities market (Sijpesteijn 2004).

[13] See also the third/ninth century letter in which the sender asks the addressee to find out and inform him about the correctness of a land registration in the *dīwān* (David-Weill 1965: text 2) and the contemporary letter in which the sender asks the addressee to "be so kind to correct the names of those which I send you in this writing" which is followed by a list of names and land surfaces (*CPR* XVI 10.2–4).

Land Taxes and Religion

Our first papyrus, dating from the second/eighth century, takes us into the vexed and complicated world of early Islamic taxation. Tax collection is, not surprisingly, the source of a vast body of documentation, with tax demand-notes and receipts, documents relating to land surveys and liability assessments, lists of payments and contributions made by village communities, monasteries and individual taxpayers preserved by the hundreds and in meticulous detail. This papyrus, however, deals with an aspect of the early Islamic tax régime that throws up particular complexities: the practice of religiously assigned fiscal privileges.

The names of the sender and addressee of this letter are unknown, but the addressee, to whom the sender turns for instructions, apparently holds a higher position in the administrative hierarchy. The sender asks advice on an issue related to the land-tax about which he and the addressee seem to have communicated before. In writing in line 2 that he has found "the base-tax (*aṣl*) in it,"[14] he is apparently referring to a previous message from the addressee. The sender's problem is that he has discovered that the tax liability of two taxpayers, Ibn ʿAfīf and Sawīrus, has been assessed (*musiḥat*) and assigned to Ibn ʿAfīf and Sawīrus *jointly*.[15] This is a problem because Ibn ʿAfīf and Sawīrus, as a Muslim and Christian respectively, belong to different tax categories. The sender, however, does not want to change this by reassigning their taxes according to the Muslim and/or Coptic rate because, as he writes, they, Ibn ʿAfīf and Sawīrus, or the Copts and the Muslims as tax-paying entities, have already been burdened with enough taxes. He ends the letter by asking the addressee whether he should continue to allow them to share their joint tax rate.

To understand what is going on in this letter requires us to delve into the intricacies of early Muslim tax policy. According to the Arabic narrative tradition, Muslims and non-Muslims initially paid different kinds of taxes and at different rates. On agricultural properties Muslims were supposed to pay the *ʿushr*, one tenth of the produce of their land (also called *ṣadaqa* or *zakāt*), though this term could also refer to the tax due on certain other possessions. Non-Muslims paid both a land-tax

[14] What "it" is is not specified but presumably refers to the tax register. For a different reading of these traces of ink and for the meaning of *aṣl*, see the commentary to line 2 below.

[15] For two people being jointly assigned a property, see for example *P.Cair.Arab.* IV 229.18, dated *ca.* 250/864; Sijpesteijn 2001, dated 288/901. Two cousins are together

(*kharāj*), calculated either on the basis of the produce (*muqāsama*) or the area under cultivation (*misāḥa*), and a head tax (*jizya*).[16] Their share of the tax burden, as a consequence, was significantly higher.

In the first decades after the conquest this system posed few problems. Discouraged from direct involvement in agricultural production, the Arab conquerors remained in the garrison city Fusṭāṭ and were maintained by the contributions of the indigenous population; as papyri and literary sources show, life in the Egyptian countryside was a largely indigenous affair. This begins to change, however, in the second half of the second/eighth century, when Muslim names and references to Muslims settled outside Fusṭāṭ start to appear in the papyri.[17] This was the result of a process both of Muslims leaving Fusṭāṭ to try their hand at farming, and of Egyptians converting, albeit on a small scale, to Islam.

Narrative sources discuss the many difficulties that these developments presented. How should converts be taxed? What should the tax rate be on land owned by non-Muslims but leased to Muslims, or sold to Muslims—and *vice versa*?[18] The problems were compounded by the state's contradictory impulses: the need to maximise fiscal revenues on the one hand, while incorporating new Muslims and ensuring equality amongst all believers on the other. Although Islamisation was politically beneficial to Muslim rule, it also eroded the government's tax base. This dilemma was finally resolved, according to the narrative tradition, by the caliph ʿUmar II (r. 99–101/717–20), when the connection between tax rate and religious affiliation was formally severed, and the same *kharāj* tax rate imposed on Muslims and non-Muslims alike (though Muslims were subject to their *ṣadaqa*/*zakāt* and non-Muslims to their *jizya*).

The neatness of this solution, however, is not reflected in the papyri. What taxes Muslims paid at this time is very unclear and conditions seem to have fluctuated throughout the different districts of Egypt.

granted the right to pasture sheep on a piece of land (*CPR* XXI 23, dated 283/896). See also the following receipts for agricultural taxes issued to two or more people who together worked the land: *CPR* XXI 40, dated 218/833; 53, dated 240–1/854–6.

[16] For discussions of the early Islamic taxation system in Egypt, cf. Løkkegaard 1950; Morimoto 1981; Hussein 1982; Simonsen 1988; *CPR* XXI.

[17] Cf. the reference to the "*jamīʿ man bi-kūrat Ahnās min al-muslimīn wa-ahl al-dhimma*" dating from between 176–7/793–4 (Grohmann 1952: 132–3). Also the lists of tax-payers including Muslim names such as *P.Cair.Arab.* IV 217, second/eight century: 218 and 224, both second-third/eight-ninth century.

[18] See for example Abū Yūsuf (d. 182/798), *Kitāb al-Kharāj*: 36–49, 69.

Second/eighth-century Arabic papyri recording *ṣadaqāt* payments, often in lists, also mention the poll tax, meadow-tax, and other levies.[19] Poll tax (*jizyat al-raʾs*) also occurs in these early papyri as a tax imposed on non-Muslims.[20] In the first dated papyri recording Muslims paying their land-tax at the end of the second/eighth century *kharāj*, or the Greek equivalent *demosion*, is used.[21] Other evidence, such as lists of tax-payers in which Muslim names or the names of Muslim agricultural fugitives appear, suggests that Muslims were subject to pretty much the same fiscal burdens as non-Muslims.[22] Two late second/eighth-century letters relating to tax levies specifically addressed to two distinct categories of Muslim and non-Muslim inhabitants of administrative districts in Egypt, for example, make no reference to a differentiated tax rate for Muslims and non-Muslims, referring to all taxes as *jizya* (taxes to be paid in cash) or *kharāj*, specifying only that the non-Muslim inhabitants should pay the extra poll tax.[23] On the other hand, three Arabic and Greek papyri from the second-third/eighth-ninth century indicate that the *Muslim* land-tax was in some cases called by a different name, *baqṭ* (بقط\πάκτον), as oposed to *kharāj* for non-Muslims, and had a different rate.[24] The picture is very murky. In general, by the end of the second/eighth century, it is hard to discern any consistent pattern distinguishing the taxes paid by Muslims and those paid by non-Muslims. It is this that makes our papyrus, in which exactly such a distinction seems to be at issue, so intriguing.

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19 For example *P.Prag.Arab.* VI. Cf. *P.Cair.Arab.* III 197, dated 262/875; 212; IV 233; 238, all third-ninth century. An exception is *P.Cair.Arab.* III: 197, dated 148/765, which records the payment of one sheep for 40 as *ṣadaqa*. See for a full discussion of the attestations and meaning of *ṣadaqa* and *zakāt* in the papyri Sijpesteijn 2004: chapter 2.

20 Cf. *wa-jamīʿ man yaskunuhā min ahl al-dhimma qabaḍā minka min jizyat raʾsika* in Diem 1984: no. 7.10, dated 168/784.

21 E.g. Diem (1984): no. 4, dated between 177–8/793–4; *Chrest.Khoury* I: 66, dated 179/796.

22 Tax lists e.g. *P.Cair.Arab.* IV 223–5, all second-third/eighth-ninth century. Fugitives e.g. *CPR* XXII 34, eighth century.

23 "*Jamīʿ man bi-kūrat Ahnās min al-muslimīn wa-ahl al-dhimma*… *alladhī taqarrara ʿinda amīr al-muʾminīn aṭāla Allāh baqāʾahu min jizyat Miṣr*" (Grohmann 1952: 132–3, dating from between 176–7/793–4) and "*ʿalā kharājihā jamājim anbāṭ kūrat*… *wa-jawālīhā wa-anbāṭihā wa-jamīʿ man yaskunuhā min ahl al-dhimma qabaḍā minka min jizyat raʾsika*" (Diem 1984: no. 7, dated 168/784).

24 Cf. *CPR* XXII 33.5–6, second half of the eighth century; *P.Ryl.Arab.* II 8.11; P.Berol. 6602.12–13 *kitāb kharāj al-qibṭ; kitāb baqṭ al-muslimīn* (quoted in Grohmann 1933: 139 n. 8). As these papyri show, when attested as a tax paid by Muslims, from the second/eighth century onwards, *baqṭ* seems to refer to a separate tax rate and category (Cf. *CPR* XXII 33, introduction; Morimoto 1981: 183–6. *Pace* Frantz-Murphy in *CPR* XXI 7.5 commentary.).

Our papyrus shows a situation in which Muslim and Coptic landholders fell in different fiscal categories, presumably to be taxed at different rates, and their payments were recorded separately in the tax registers. Ibn ʿAfīf and Sawīrus, however, would appear to be paying a third rate, neither Muslim nor Coptic.[25] The sender of the letter is aware that assigning the two landholders a joint assessment poses, in some way, a problem. Nevertheless, he does not want to change this situation because he is concerned this will in some way affect the fisc's income. Taxing them at the Muslim rate seems to be non-ideal, perhaps because this would diminish the tax-take. But at the same time, the Coptic rate is also ruled out on the grounds that Ibn ʿAfīf and Sawīrus (or the Copts and Muslims as groups) have already been assigned a sufficient burden. Alternatively, the sender's point may be that the tax rate assigned to Ibn ʿAfīf and Sawīrus is already sufficient to make it unnecessary to reassign the tax rate, as this would not result in a higher total tax-take.[26] Given the papyrus's lack of context, this must remain, unfortunately, largely unresolved.

What we can see, however, is the flexibility still inherent in what was an evolving system. The papyrus must date from before the imposition of identical tax rates on Muslim and non-Muslim landholders, but from a time when there was some room for manoeuvre in how land-tax rates were assigned—with a Christian and a Muslim being taxed jointly, apparently without reference to their respective religions. Interestingly in this respect, it is not one of the two tax-payers who has brought the matter to the attention of the authorities but an administrator, implying that it was not as yet clear what taxes landholders from different religions had to pay. Between the period directly following the conquest, when most Arabs were in Fusṭāṭ living off the income generated by Egyptian Christians working the land, and the papyri from the end of the second/eighth-beginning of the third/ninth century, in which Muslims appear paying the same kind of *kharāj* tax as their non-Muslim neighbours, there was evidently a period of transition and ambiguity, and it is to this that our papyrus belongs.

[25] What tax rate they fell in remains unclear. It could be related to the anecdotes of corrupt tax-collectors in the Arabic narrative sources who impose rates at their discretion (Kindī, *Kitāb al-Wulāt*: 125; Abū Yūsuf, *Kitāb al-Kharāj*: 75).

[26] There are, of course, reasons other than religious ones that would have caused the lands to be taxed at a different rate, such as the condition of the soil and irrigation system, what crop had grown on the land in the previous season, whether it had lain fallow, etc. (Cf. Frantz-Murphy 1986; Frantz-Murphy 1984).

The taxes to be paid by converts as opposed to Arab Muslims buying land from non-Muslims was a topic of heated debate in the law books and other medieval Arabic texts. There are, moreover, indications in the literary and documentary sources that converted Egyptians did not automatically receive the (fiscal) privileges to which they were entitled. Law books and other texts contain prohibitions against levying the poll tax on converts, suggesting that this was not an uncommon practice.[27] Several late Umayyad and early Abbasid rulers announced the cessation of poll tax levies on converts, leading in most cases to massive turn-outs of converts claiming the dispensation, implying that they had not enjoyed this right before.[28] The controversy that surrounded the legality of such imposts on converts and the steps made by certain rulers to lift them, indicates, however, that any failure to recognise the full and equal rights of converts was the cause of some disquiet among commentators.

Who then were Ibn ʿAfīf and Sawīrus, and was Ibn ʿAfīf a convert or an Arab immigrant? Very little evidence exists for Arab Muslim landholders in Egypt before the end of the second/eighth century, so little can be inferred. If we assume, however, that Ibn ʿAfīf and Sawīrus were paying the same tax rate because they were both Egyptians, then Ibn ʿAfīf's status as a convert was ignored for fiscal purposes. On the other hand, the sender's concern to assign the taxes jointly might also have been motivated by Ibn ʿAfīf having been not an *Egyptian* but an *Arab* Muslim, making his mis-assigned fiscal status more urgent.[29]

From the end of the first/seventh century the Muslim authorities in Egypt initiated several large-scale surveys and censuses aimed at improving knowledge about the country's landholdings and increasing the taxes paid.[30] Our papyrus and the measurements suggested in it might also be related to this process of increased scrutiny of the administrative fiscal records, explaining our sender's report of his discovery in the books of a misrecorded entry.

[27] E.g. Abū Yūsuf, *Kitāb al-Kharāj*: 72, 75.

[28] See for a discussion of such instances Sijpesteijn 2004: 104–5.

[29] For the distinction between Arab and non-Arab Muslims in the early period, see Crone 1980: 49–57.

[30] Sijpesteijn 2004: 66; *History of the Patriarchs* 64, 67–70, 74–5; Pseudo-Athanasius, *Apocalypse*, tr. Hoyland 1997: 283–4. Similar surveys were conducted in other provinces of the caliphate, for example in Syria in 691/2 (*Chronicle of Zuqnīn* [C.E. 775], tr. Palmer 1993: 60), in Mesopotamia in 708/9 and 710/11(*Chronicle of Zuqnīn*, tr. Palmer 1993: 61 and *Chronicle of 846*, tr. Palmer 1993: 82; *Chronicle of 819*, tr. Palmer 1993: 79).

The administrators who determined the tax rates to be paid by the two landholders and who wrote the present papyrus used Arabic in their communication at a time when Greek, and to a lesser extent Coptic, were still fully accepted as bureaucratic languages, suggesting they were Arabs. In the year 99/717 Christian local administrators involved in the registration and assignment of agricultural taxes are said to have been replaced in Egypt by Muslims.[31] From that moment on Muslim administrators become responsible for the assignment and collection of taxes and tax-payers become directly liable to the Muslim fisc for their tax payments, even if the Coptic land-owning élite continues to act as agents for the Muslim administrators at the village level and Coptic tax-collectors are the ones directly interacting with the indigenous tax-payers.[32] The fact that the two local administrators recorded in this letter were Arab Muslims points to a date from the first half of the second/eighth century at the earliest, a hypothesis which the script of the papyrus would seem to support.[33]

P.Vindob. AP 5.379[34]

Papyrus	second/eighth century
Plate 9	H10.7 × 27.9

Light brown papyrus. The original cutting lines are preserved and the papyrus is complete. There are some lacunae in the text and at the bottom of the papyrus two large pieces have been broken off, which have not damaged the text. The text is written in black ink with a thin pen parallel to the papyrus fibres. The text is written in a careless way with crossings out, additions of forgotten words above the line and some letters written on top of each other. There are some diacritical dots with *qāf* being written with one dot over it (l. 3 *al-qibṭ*). The papyrus

[31] Kindī, *Kitāb al-Wulāt*, 69.

[32] Frantz-Murphy 1984.

[33] The script is not as cursive as that of papyri from the third-fourth/ninth-tenth century, while some of the individual letter shapes resemble a more cursive form of first-second/seventh-eighth-century papyri. For a description of the development of letter forms in the papyri see *P.Khalili* I: 27–43; Grohmann 1966: Tafel 10.

[34] I would like to thank Dr Cornelia Römer, director of the Papyrus Collection of the Austrian National Library, for her permission to publish this text.

is cut from a larger papyrus sheet with a now mostly lost text of which two lines are preserved on the verso. These two lines contain the final greetings of a letter and are written perpendicular to the fibres in a different hand.

Text

1. بسم الله الرحمن الرحيم (vac.) حير ال[...]فع
2. حفظك الله واطال فى الخير بقاك [vac.] انى وجدت (vac.) اصل به فكان مسحت على اسم بن عفيف
3. وسويرس جملة (vac.) فلم احب ان انسبها الى المسلمين ولا الى القبط لانما مسحت عليهما كثيرا
4. فهل تحب امتع [[ا.]] الله بك ان [[اعطها]] /اقسمها\ بينهمـا على ما انصفت كل واحد منهما
5. فاعلمنى رايك فيها حفظك الله واطال بقاك وكتب

Diacritical dots:

2) وحدت; كان; مسحت 3) سويرس; ان; انسبها; الفبط; عليهما 4) امتع; بك

Translation

1. In the name of God the Compassionate, the Merciful. (vac.)... the [...]...
2. May God preserve you and may He prolong your life in well-being. I found a basic tax assignment/registration in it and it was measured to the debit under the name of Ibn ʿAfīf
3. and Sawīrus together. Now, I do not want to attribute it to the Muslims nor to the Copts, because I have (already) assessed (lit. measured) much to the debit of both.
4. Now do you want, may [[a.]] God give joy with you, that I [[give it]] \divide it/ among the two of them, according to the way I have treated each one of them equally?
5. Let me know your opinion about this, may God preserve you and may He prolong your life. And it was written.

Commentary

1. The words written towards the end of the line after a long vacant space probably refer to the contents of the document, but not enough can be made out to make sense of it. In some texts the *basmala* is followed by other religious formulae (e.g. *wa-mā tawfīq illā bi-llāh ʿalayhi tawakkaltu wa-ilayhi unību* in *P.Cair.Arab.* I, 68.1, dated 459/1067).

2. *Ḥafiẓaka Allāh wa-aṭāla fī ʾl-khayr baqāʾaka*. *Aṭāla baqāʾaka* is a very common blessing used in opening and closing formulae of letters. For the addition *fī ʾl-khayr* see *aṭāla Allāh fī ʾl-khayr baqāʾahu* (Strauß 1942: no. 2.2).[35] Attestations of other common opening epistolary formulae which are embellished are, for example: *aṭāla Allāh fīhim al-ʿāfiya* Jahn (1937) 13.7 (late second to early third/eighth-ninth century); *ḥafiẓaka fī-ʿāfiya PERF* 615 (dated between 169–71/786–7).

Innī wajadtu aṣl bihi. Of *innī* only the top of the *alif* and the *nūn* are visible; backbending *yāʾ* is lost in the lacuna.

Aṣl is written without a *tanwīn alif* in spite of its grammatical function as direct object (Hopkins 1984: § 167.d). The end of the upward tilted tail of the letter *lām* appears above the small smudged area and hole in the papyrus.

The meaning of *aṣl* in this papyrus is disputable. In medieval Arabic texts from an agricultural Egyptian context, *aṣl* refers to the basic calculated tax rate or basic registration of aggregated *faddān*s in a district based on surface measurements combined with the amount of taxes raised by the lands in the past year.[36] This amount was then adjusted in the autumn with information about the kind of produce to be grown including the products cultivated on the land in the previous year. In the spring actual areal assessments were conducted by the surveyor, the *massāḥ*, taking into account any extra water that had resulted from the Nile inundation. The spring *misāḥa* led to the calculation of the additional taxes (*iḍāfa*) to be paid on top of those levied in the autumn. Calculations recorded in documentary and literary sources show how the entry for the *aṣl* tax was complemented by the *iḍāfa*, the additional taxes.[37] In the Mamlūk period Qalqashandī describes *aṣl* as the base tax calculated when the crops stood on the land and incorporating information on the condition of irrigation systems.[38]

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[35] I am thankful to Werner Diem for this reference.

[36] *CPR* XXI: 145; Frantz-Murphy 1986: 11. Cf. "*qānūn al-kharāj aṣluhu alladhī yarjiʿu ilayhi wa-tubnā al-jibāya ʿalayhi*" (Khwārazmī, *Mafātīḥ*: 54; cf. 55, 56).

[37] Makhzumī (d. 585/1179), *Kitāb al-Minhāj*, 165v, 167r; tr. Frantz-Murphy 1986: 29–30, 33. For the different definitions and translations of *aṣl* see also Frantz-Murphy 1986: 29 n. 3. The Ayyūbid Egyptian official al-Nābulusī (d. 640/1243) mentions *al-aṣl* and *al-iḍāfa* in lists of agricultural taxes to be paid by villages in the Fayyūm. For example in the town of Shalāla the taxes on six *faddān* of trefoil come to a total of 6 ½ ¼ *dīnār*s consisting of six *dīnār*s of *aṣl* taxes and ½ and ¼ of *iḍāfa* taxes (*Taʾrīkh al-Fayyūm*: 121). The taxes of another town called Babīj Anshū consist of *aṣl* and *iḍāfa* taxes ("*kharāj zirāʿat al-muzāriʿīn aṣlan wa-iḍāfa*," *Taʾrīkh al-Fayyūm*: 73, cf. 63, 94).

[38] *Ṣubḥ*: III, 454.

Another meaning of *aṣl* is "[real or immovable] property such as consists in a house or land yielding a revenue, or such as a house and palm-trees, or such as land and a house" (Lane 1863: I, 64).

Fa-kāna musiḥat. The same letters of the verb *masaḥa* appear at the end of the next line in a different verbal form. The scribe first wrote an *alif* after the *fā'*, verifying our reading of the connective as *fā'* rather than *wā'* which would not have been connected to the next letter, and then changed his mind, writing a *kāf* through the *alif* for *kāna*. The initial *kāf* of *kāna* does not have a very distinctive shape, but it has a more open angle than the initial *jīm/ḥā'/khā'*. Compare *kathīran* at the end of line 3. For the use of a masculine singular verb with a feminine subject see Hopkins 1984: § 141.a.

Ibn ʿAfīf. For the omission of the initial *alif* in *ibn* see Hopkins 1984: § 49.b. The name ʿAfīf is attested in *P.Cair.Arab.* IV 246.13 (third/ninth century); *Chrest.Khoury* I 12.6 (dated 598/1202).

3. Sawīrus is the Arabic rendering of the Greek name Σευῆρος, Lat. Severus (Preisigke 1925: col. 381). Cf. *P.Cair.Arab.* II 127.5 (dated 248/861).

   Fa-lam uḥibb an ansibahā ilā 'l-muslimīn wa-lā ilā 'l-qibṭ. The pronoun *-hā* refers to the *aṣl* of line 2. There seems to be an extra letter written before the *ḥā'*.

   Li-annamā masaḥtu ʿalayhimā kathīran. *Masaḥtu* has the same letters as the verb *musiḥat* in line 2, but has a different verbal form. The *nūn-mīm* of *li-annamā* are written in a very open manner, but cannot be read differently. A *mā zā'ida* is added to *li-anna*.

4. *Amtaʿa Allāh bika*. After *amtaʿa*, two crossed-out letters appear, the first of which is an *alif*, perhaps a mistake for *Allāh*, which is repeated thereafter. The ink traces written above the line are not readable.
   Aqsimahā baynahumā ʿalā mā anṣaftu kull wāḥid minhumā. *Aqsimahā* is written above the line. The crossed-out word below seems to have to be read as *aʿṭāhā*. For the pseudo correction of a short form of this *verbum tertia infirma*, where Classical Arabic requires a long form, see Hopkins § 82.f. The *nūn* of *anṣaftu* is written with a long line and the *fā'* is written very high, but this verb seems to fit the meaning of the sentence best. Another possible reading is *istaqbaltu*.

5. *Fa-aʿlimnī ra'yaka fīhā* is the usual expression to request someone's opinion about something. The clear bending to the left of the tail of *mīm* compared to other final *mīms* in this text (e.g. l. 3 *lam*; l. 1 *ism*) is all that is left of *-nī*.

Correcting a Court Register

Our second papyrus belongs to another site of energetic documentary activity: the judicial system. Court records—including agreements arranged in court, individual court testimonies, letters and petitions directed to judges, documents related to the standing of professional witnesses (*ʿudūl*), and lists of prisoners and prisoners' sentences—were all kept in the *qāḍī*'s archives.[39]

In her hand-list of the Princeton papyri, Gladys Frantz-Murphy gave the following description of this papyrus: "This complete document is a receipt, possibly repayment of a loan rather than a tax receipt. From Abu al-Yusuf to Abi al-Hasan. Abu al-Yusuf's name is followed by "May God strengthen him" a phrase usually reserved for one's superiors." Except for the reading of the two names, albeit having different functions than described by Frantz-Murphy, this description differs completely from the way in which I understand this text.

The papyrus, held by the Princeton University Library and datable on palaeographical grounds to the third/ninth century,[40] is a letter containing a polite request to the addressee to take care of some business for the sender. The names of the sender and addressee were probably written on the verso of the papyrus, which cannot be examined due to it being glued since discovery to a piece of cardboard. First, the sender asks the addressee to request that a certain Abū Yūsuf writes to Abū 'l-Ḥasan informing him that the sender's name is registered instead of the latter's in the *maḥḍar*, some kind of (court) record, which is with Abū Ḥafṣ. The note should also contain the request, presumably for the same Abū 'l-Ḥasan, to release the writer (from the obligations attached to his name appearing in the *maḥḍar*). The sender ends by saying that he cannot take care of these things himself because he is busy.

While examples and references to *maḥḍar*s abound in sources from the medieval period, especially from the Mamlūk period, there are only very few references to earlier *maḥḍar*s, making the insight our papyrus gives us into the functioning of this legal institution so interesting.[41]

Maḥḍar has at least two definitions in an Islamic judicial context. The first of these refers to a statement made by witnesses whose names were

[39] See Hallaq 1998.
[40] Frantz-Murphy dates it to the third-fourth/ninth-tenth century.
[41] I only know of one other third/ninth-century reference (*P.Ryl.Arab.* II 348). For later references to and examples of *maḥḍar*s, see below notes 42 and 44.

recorded in a document supporting a complaint against an individual, confirming a given situation or stating that a certain (criminal) event had taken place. The sources speak about drawing up a statement (*kataba maḥḍaran*) which was then under-signed by several witnesses. Such a statement could be drafted by the order of the *qāḍī*, or it could also be initiated by an individual seeking to use the statement to support a claim. When the *qāḍī* wanted to verify the recorded claim, the witnesses whose signatures appeared in the *maḥḍar* could be asked to reappear in court to repeat their statement and to have their testimony validated.[42] When someone withdrew their statement, they were "set free" (*aṭlaqa*) from the declaration.[43]

The second definition refers to the statements given by the two parties in a case signed by *ʿudūl* witnesses present in court, which was drawn up in the presence of the *qāḍī* and signed by him in front of witnesses. By extension *maḥḍar* could refer to the signature beneath the list of witnesses verifying the statement[44] and even become equal to the *qāḍī*'s *sijill*.[45] The *maḥḍar* mentioned in our papyrus clearly refers to a statement establishing a situation or event rather than to the more neutral and straightforward court record signed by witnesses, as the writer of our letter is quite concerned to have his name removed from the *maḥḍar* and not be associated with the statement recorded in it.

The *maḥḍar*s recorded in literary texts deal with different kinds of complaints and statements made against or initiated by influential people, such as *qāḍī*s, *amīr*s, etc. The giving of such statements was obviously not always devoid of political pressure and witnesses might have changed their minds about their statements once the consequences of the declaration had become clear or the balance of power changed.

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[42] Suyūṭī (d. 911/1505), *Jawāhir al-ʿuqūd wa-muʿīn al-quḍāt wa-'l-muwaqqiʿīn wa-'l-shuhūd*: II, 362, 393–4. See for example the letter from a judge in which he writes that a *maḥḍar* presented to him and the witnesses who signed it is legally acceptable (*P.Berl.Arab.* II 37, fifth/eleventh century).

[43] For this technical term for releasing someone from giving a statement see also "*tasjīl bi-iṭlāq al-safīh bi-thabat rushdihi*" (Ibn al-ʿAṭṭār [d. 399/1008], *Kitāb al-Wathāʾiq wa-'l-sijillāt*: 618–19).

[44] Santillana 1938: II, 585; Schacht 1964: 83, 189; Lane 1863–93: I, 590c. *Maḥḍar*s, i.e. statements of witnesses supporting a petitioner's claim, accompanied petitions as preserved in the Mamlūk documents from the Ḥaram al-Sharīf, while they were also requested to be issued by the court when the petioner's claim was accepted (Little 1984: 44–45). Cf. the documents Little 1984: nos. 47, dated 770/1369; 279, dated 797/1395; 581, dated 793/1391; 616, dated 797/1395; *P.Vind.Arab.* III nos. 44, seventh/thirteenth century; 80, dated 744/1343.

[45] Ibn Manẓūr (d. 711/1311–12), *Lisān al-ʿArab*, s.v. Cf. "*wa-'l-sijill ayḍan al-maḥḍar yaʿqiduhu al-qāḍī bi-faṣl al-qaḍāʾ*" (Khwārizmī, *Mafātīḥ*: 57).

The *amīr* Sayf al-Dīn Qawṣūn (d. 743/1342), for example, wanted to acquire the "bathhouse of the Lion-Killer" (*ḥammām qattāl al-sabuʿ*), named after the *laqab* (or nickname) of the Mamlūk *amīr* Jamal al-Dīn Aqūsh al-Manṣūrī (d. 710/1310). Because the bathhouse was protected from sale by its being a *waqf*, the only way Sayf al-Dīn Qawṣūn was able to gain possession was by preparing a *maḥḍar* stating that the building was in ruins. One of the witnesses, however, refused to sign the statement, saying: "God does not allow me to enter this *ḥammām* in the morning to be cleaned in it, to leave it while it is still a building, only to witness in the afternoon of the same day that it is a ruin." This statement did not prevent other witnesses from claiming that the building was indeed derelict, and even the chief judge of Cairo, after checking the *maḥḍar*, ruled that the building could be sold. Sayf al-Dīn then bought the building from the lion killer's heirs.[46]

An even more striking example is set in the context of the rise to power of the Fāṭimids in North Africa and the claim to ʿAlid lineage by its first ruler, ʿUbayd Allāh al-Mahdī (r. 297–322/909–34). The opponents of the Fāṭimids denied ʿUbayd Allāh's ties with the ʿAlids and their statement was drawn up in a *maḥḍar*. Supporters of ʿUbayd Allāh's claim, however, claimed that this statement was only made under duress (*taqiyya*) and did not accept it.[47] Another example is the *maḥḍar* which was drawn up by *al-amīr al-kabīr*[48] after the Mamlūk sulṭān al-Malik al-Manṣūr 'Uthmān Fakhr al-Dīn (r. 857/1453) had suddenly died without showing any previous sign of illness. The troops had sworn allegiance to *al-amīr al-kabīr*, but clearly some sense of illegitimacy and suspicion continued to surround his rule. And if the emphasis on the suspicious circumstances of the *sulṭān*'s death were not enough to show that the chronicler recording this anecdote remained deeply distrustful, his writing that *al-amīr al-kabīr* had a *maḥḍar* drawn up and signed by many important figures and judges in the country "full of slander about al-Malik al-Manṣūr" (*wa-fīhi qawādiḥ al-malik al-manṣūr*) surely did.[49]

[46] Maqrīzī, *Khiṭaṭ* III: 282–3.

[47] Ibn al-Athīr (d. 630/1233), *Kāmil al-taʾrīkh* VIII: 24–7; cf. IX: 236; Ibn al-Jawzī (d. 597/1200), *al-Muntaẓam fī taʾrīkh al-mulūk wa-'l-imāra* XV: 82–3; Ibn Taghrī Birdī (d. 874/1470), *al-Nujūm al-zāhira fī mulūk Miṣr wa-'l-Qāhira* IV: 229–30.

[48] After 755/1354 this term referred to the Mamlūk commander-in-chief and highest official after the *sulṭān* (Popper 1955: 90–1, 105).

[49] Ibn Taghrī Birdī, *Nujūm* XVI: 48–9.

With this in mind it is not difficult to see why the sender of our letter was very concerned not to be associated with some statement which he did not fully support, or with something Abū 'l-Ḥasan had supported but which was recorded under the sender's name.

In another anecdote from Mamlūk Cairo we see how witnesses could withdraw their statements. In the year 700/1300 the chief judge in Egypt, Shams al-Dīn Muḥammad b. ʿImād al-Dīn al-Ḥanbalī (d. 705/1305)[50] was accused of having confiscated at the deaths of some merchants from Baghdad, Damascus and Ḥawrān the possessions that they had deposited with him. He denied this claim, but when his house was searched, many of the illicitly acquired possessions were indeed discovered, upon which the *sulṭān* ordered the judge's arrest. A complaint was raised against al-Ḥanbalī for which witness statements were collected in a *maḥḍar*. When the *sulṭān*'s representative ordered an *ʿaqd al-majlis* to be drawn up, he called upon the witnesses whose statements had appeared in the *maḥḍar*. However, some of the witnesses withdrew their statements and were released, while the rest reiterated their statement in front of the *sulṭān* (*wa-istadʿā man shahida fī 'l-maḥḍar fa-nakala baʿḍuhum ʿan al-shahāda wa-uṭliqū wa-shahida al-bāqūn*).[51]

What can we say about the relationships between the five men mentioned in the letter, the sender, the recipient, Abū Yūsuf, Abū Ḥafṣ, and Abū 'l-Ḥasan? The recipient's role is limited in our letter to being some kind of messenger between the sender and Abū Yūsuf. Abū Yūsuf is to give a note to Abū 'l-Ḥasan, the contents of which are described in the present letter, so we can assume that Abū Yūsuf had to write the note himself. Abū 'l-Ḥasan, finally, has to execute the request to release the sender from the *maḥḍar*. Abū Ḥafṣ manages or is in possession of the *maḥḍar*. We can assume that the recipient of the letter was in some way in a better position to make the request of Abū Yūsuf, who in turn enjoyed some preferential relationship with Abū 'l-Ḥasan. This would explain why the sender did not include a note to Abū 'l-Ḥasan for the recipient or Abū Yūsuf to deliver, leaving it instead up to Abū 'l-Ḥasan to write the note himself. Only a request in his name would have had the required effect on Abū Ḥafṣ. Personal relationships and access to influential people were essential to making official and unofficial requests, and when one did not possess such contacts oneself, an appeal was made to intermediaries who did. At the same time, when making a

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[50] ʿAynī (d. 855/1401), *ʿIqd al-jumān fī taʾrīkh ahl al-zamān* IV: 418.
[51] Nuwayrī (d. 733/1332), *Nihāyat al-arab fī funūn al-adab*, XXX: 190–1.

request from a distance, it was, of course, helpful to have a local person, such as the recipient of our letter, available to make sure a request was properly taken care of.

On the other hand, our sender excuses himself for the convoluted way in which he handles his request: something had come up that kept him busy and prevented him from taking care of the matter personally.

Princeton AM 13456[52]

Papyrus third/ninth century
Plate 10 H 13.5 × 11.2

Complete light brown papyrus. The letter is written in black ink with a thin to medium thick pen parallel to the papyrus fibres. The papyrus is complete on all four sides and has some small worm holes. There are many unconventional ligatures. *Sīn* is written with an oblique stroke over it (l. 4 Ḥasan) or with three dots over it (l. 5 *ismī*). This papyrus is glued on a piece of cardboard which has made it impossible to examine the other side of the papyrus. There are diacritical dots in one word.

Text

1. بسم الله الرحمن الرحيم
2. جعلت فداك واعزك الله (vac.) ان رايت
3. ان تسل ابو يوسف اعزه الله يرفع
4. رقعة الى ابى الحسن يعلمه ان اخبر احبه الله
5. اسمى مكتوب فى المحضر ولا اسمه
6. عند ابى حفص اعزه الله ويسله اطلاقى
7. فانى مشغول بحاجة عرضت فعلت
8. ان شا الله

Diacritical dots:

7) عرصت

Translation

1. In the name of God the Compassionate, the Merciful.
2. May I be made your ransom and may God preserve your strength. (vac.) If you should resolve

[52] I would like to thank Don Skemer, head of the Rare Books and Special Collections at the Harvey S. Firestone Library, Princeton University, for his permission to publish this text.

3. to ask Abū Yūsuf, may God give him strength, to give
4. a note to Abū 'l-Ḥasan informing him that he has been informed, may God love him,
5. that my name and not his name is written in the record
6. (which is deposited) with Abū Ḥafṣ, may God give him strength, and to ask him to release me,
7. for I am busy with something that came up, then do so
8. God willing.

Commentary

2. *Juʿiltu fidāʾaka wa-aʿazzaka Allāh*. These very common eulogies usually appear in the following rhyming combination *juʿiltu fidāʾaka wa-aṭāla Allāh baqāʾaka wa-ʿizzaka* (e.g. *P.Berl.Arab.* II 27.2; 30.2, provenance of both unknown; 64.2, provenance al-Ushmūnayn, all third/ninth century). Postvocalic *ḥamza* is not written in *fidāʾaka* (Hopkins 1984: § 20.a).

   In ra'ayta…faʿalta in shāʾa Allāh. For this combination of protasis-apodosis request formula which is attested in other third/ninth-century private letters, see Khan 1990: 15.
3. *Tasʾalu…yarfaʿu* is an asyndetic construction (Hopkins 1984: § 269.j). Medial *hamzāʾ* is missing in *tasʾalu* (Hopkins 1984: § 19).

   Abū in Abū Yūsuf has not been inflected according to its grammatical position as a direct object (Hopkins 1984: § 162.a.ii).

   Ruqʿa is a commonly used word for note, letter. See for example David-Weill 1971, text 18A.4; 19B.6; *P.Ryl.Arab.* II 6.2 (all three third/ninth century); *Chrest.Khoury* I 41.7 (dated 403/1012–13).
4. *An ukhbira aḥabbahu Allāh*. We would expect here a verbal form in the first person such as *ukhbirtu*. The prayer *aḥabbahu Allāh* normally follows as an echo an expression with *uḥibbu* (*CPR* XVI 22.10), but see Diem forthcoming: 186f. sub *ḥbb*. The personal pronoun *-hu* is written as high as the final *hāʾ* of *Allāh* in lines 1 and 2.
5. For the interpretation of the meaning of *maḥḍar* in our text, see the introduction to the edition.
6. *Ḥafizahu Allāh* has a very small *hāʾ* for the personal pronoun attached to the verb.

   Iṭlāqī. The upper part of initial *alif* is lost in the hole in the papyrus. There is quite a large space between the second *alif* and the *qāf* of the word presumably caused by the back-bending *yāʾ*.

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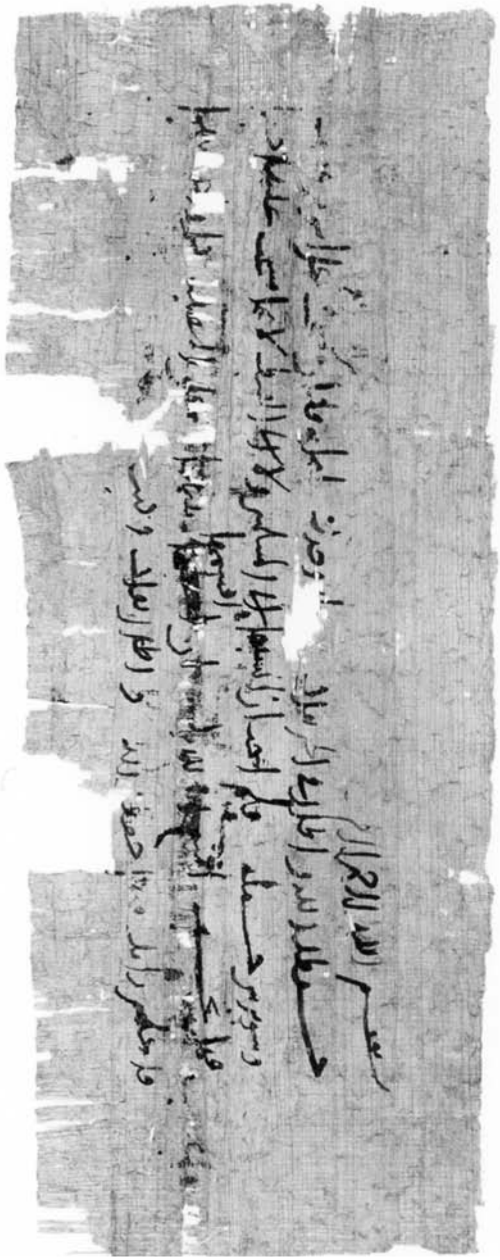


Plate 9 P. Vindob. AP 5.379

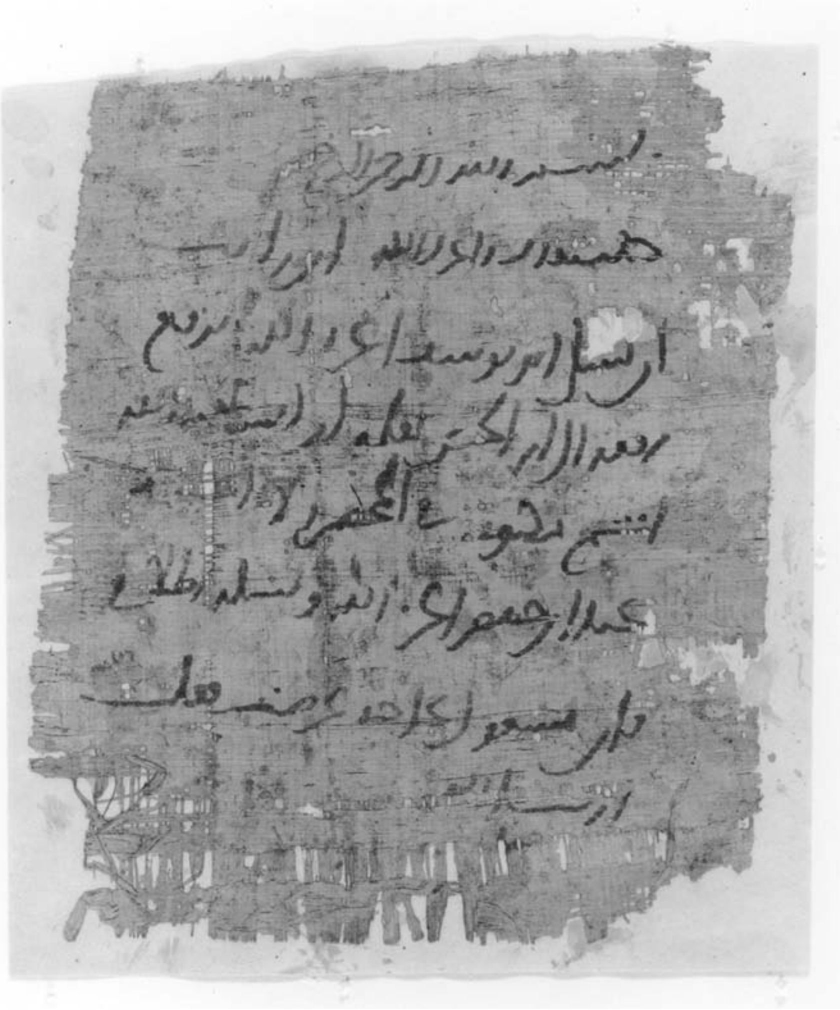


Plate 10 Princeton AM 13456

A TENTH-CENTURY LIST OF PAYMENTS OR POLL TAX COLLECTING ON PAPER FROM THE MONTSERRAT COLLECTION

Sofía Torallas Tovar*

This list of payments is written on the verso of a decorated piece of paper, the purpose of which is uncertain. There are traces of seven horizontal folds and one vertical. The paper is thick and brownish and has neither watermarks nor any kind of sign.[1] It has been torn on the upper part. Judging by the names missing in the text of lines 61–64, I think that at least about 5 cm of the document have been lost on the torn edge of the sheet. This can also be calculated suing from the symmetrical drawing on the verso and its lost part.

The list, without any trace of a title to indicate its purpose, features names of all sorts and origin, even in one case (l. 7) an Arabic name. Many of these names are preceded by the title ⲡⲇ̅ⲓ̅ⲁ̅,[2] for ⲇⲓⲁⲕⲱⲛ, which is a large proportion of the totality of the names. The names are usually followed by either the patronymic or by the occupation of the taxpayer: “carpenter” in lines 13 and 22, “builder” in lines 39 and 52, and “shepherd” in lines 33 and 35. The use of patronymic or occupation does not seem to follow a clear pattern.[3] In the case of Severus the shepherd in line 33, it can be argued that this is a distinction with respect to the other Severus appearing in line 4. But this cannot be said of the other cases. Many of these names are generally unfamiliar from earlier Coptic documentary texts and could indicate a change in the

* I want to thank Father Pius Ramón Tragan, Montserrat Abbey, for allowing me to publish this document here. I also want to thank Anne Boud’hors (IRHT, CNRS, Paris), Klaas A. Worp (University of Leiden) and Petra Sijpesteijn (University of Oxford) for their invaluable help in the study of this document.

[1] Paper was introduced in Egypt in the ninth century and first manufactured there in the tenth (see Bloom 2001: 74). This fact provides a *terminus post quem* and orientation for dating this document.

[2] While ⲇ̅ⲓ̅ is particularly frequent in Fayyūmic colophons, see Van Lantschoot 1929.

[3] Boud’hors & Calament 2004: 451 indicate that the mention of occupation in the funerary stelas is more aleatory than the title, which is in general ecclesiastical.

naming practices of Coptic communities that had occurred by the tenth century.

After the name and patronymic or occupation, an amount of money follows, which is in most cases "half a *trimesion*." Other entries have "one *trimesion*" (lines 3, 46 and 50. These refer all to payments for two people.), "other two" (lines 6 and 17), or in two cases (lines 1 and 19), "one *gramma*" (lines 1 and 19). Quite consistently, the entries for a whole *trimesion*, double the amount of most of the other entries of the list, concern two people. In lines 3 and 46 ⲙⲉⲡⲉⲃϣⲉⲣⲓ stands for Sahidic ⲙⲛ ⲡⲉϥϣⲏⲣⲉ, meaning "and his son." Each of these two people would pay the customary half *trimesion*.

The *trimesion*,[4] the Latin *tremissis*, and Greek τριμήσιον, is one third of a *holokottinos* or *solidus*. The ⲕⲣⲁⲙⲙⲁ must also be a payment and could refer to the *hexagramma*, a silver coin weighing 6 grams which the Emperor Heraclius put in circulation in C.E. 615, which on the other hand is to the present date, not attested in Coptic or Greek documents from Egypt, and probably never circulated there. Most likely ⲕⲣⲁⲙⲙⲁ refers to the Greek γράμμα corresponding to the Latin *scrupulum*, a Roman weight for 1.137 grams.[5] This would mean that we are dealing here with one fourth of a *solidus*, a slightly lower amount than the *trimesion*, which is a third. Moreover, it is attested in Coptic precisely as a fourth of a *solidus* (Förster 2002: 152–3, *s.v.*). The name preserved right before this amount of money in line 19 does not provide any detail to understand why the amount paid was slightly higher that the other tax payers, one fourth against one sixth of a *solidus* ("half of a third"). We cannot know exactly what the weights and values of these coins were in the medieval Islamic period, but their relation with pre-Islamic coins seems obvious.

This seems to be a list drawn up by the tax collector in a Christian village, which would also explain why the document was written in Coptic under Arabic administration. After the Arabic conquest of Egypt, Coptic became stronger as a language especially of legal and taxation texts, with a strong decrease and subsequent disappearance of the use of Greek, which had been the language of administration for nine centuries.

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[4] The term is written in Coptic with different orthographies: ⲧⲣⲓⲙⲏⲥⲓⲛ, ⲧⲣⲓⲙⲏⲥⲓ, ⲧⲉⲣⲙⲏⲥⲓⲟⲛ, ⲧⲏⲣⲙⲏⲥⲓⲟⲛ, and so on. The present spelling is not very common.

[5] For an explanation of the coinage system in the Byzantine period, see Grierson 1999.

The use of Coptic is consistent with the fact that all names but one are non-Muslim. This and the fact that almost all payments are fixed amounts would indicate that this is a list recording payments for the poll tax.[6] The *jizya*, ἀνδρισμός or διαγραφή, was the poll tax to be paid by all non-Muslim adult men. According to Muslim legal theory the poll tax was imposed in three amounts depending on the wealth of the tax-payer but it seems always to have been a fixed amount as opposed to a proportion. In this document the basic amount is half a *trimesion*, with very few exceptions.

It is interesting to note in this list a name that is evidently Muslim, Ṣalāḥ Ibn ʿAbd Allāh. This man may have been a convert to Islam, and probably a recent one, still living in a mainly Christian village. Converts generally were exempt from poll tax. Already during the caliphate of ʿUmar II (r. 99–101/717–20), converts were normally granted exemption from the poll tax, although this may not have been so obvious in practice. Initially, in the first decades after the Arab conquest of Egypt (641), monks were also exempt from taxation, but at some point between the end of the seventh and the beginning of the eighth century, probably to avoid massive adoption of the monastic profession to flee taxation, al-Aṣbāgh, the son of the governor ʿAbd al-ʿAzīz, introduced a poll tax of one *dīnār* on each monk although it remains unclear if this was actually collected or not. (see Dennett 1950: 79).

The reasons for considering this document originating from the Fayyūm or an area of Fayyūmic-speakers are purely linguistic. There is no mention of any toponym nor is any external information available on the whereabouts of the document's finding spot or the way it was acquired. In fact, it is hard to tell even linguistically, since there are almost only proper names in the text. Some forms, however, reveal the Fayyūmic dialect: for example, ⲕⲉⲥⲛⲉⲩ (lines 6 and 17) and the proper names ending in –ⲓ, including the term ⲧⲉⲣⲙⲉⲥⲓ. It is in any case a variety of Fayyūmic which does not feature lambdacism (cf. the

[6] On tax collection in Islamic Egypt see Grohmann 1938; Casson 1938; Dennett 1950: 65–115; Simonsen 1988: 85–126; Poll 1999; Sijpesteijn 2004: chapter 2 and also see Sijpesteijn's contribution to this volume. There is a seventh-century list of payments mostly in *trimesia* in *OEdfou* II 316, which is, perhaps linked with tax collection. The sum of half a *trimesion* is commonly found in Theban poll tax receipts. See for example *KSB* I 256, an eighth-century ostrakon with a tax receipt for ⲟⲩⲡⲉϣⲧⲉⲣⲙⲏⲥⲓⲟⲛ, and also *CPR* IV, 4–14, *KSB* I 246–269; *KSB* II, 956 , 959, 961, etc. There is also an unpublished eighth-century tax receipt for one *trimesion* in O.Col. inv. 67 (see APIS website). For an inventory of Coptic tax receipts see Worp 1999.

form ϣⲉⲣⲓ for "son" in line 46, instead of ϣⲏⲗⲓ). Also some names are typical of Fayyūmic texts, like ϩⲟⲩⲙⲓⲥⲓ, and the form ⲡⲁⲡⲁ. It should be noted that it is very interesting to find evidence of this dialect at such a late date.[7]

The names appearing in this document feature often divergent spellings. I follow in the notes to the text the spellings listed in M. Hasitzka's *Namenbuch* (referred to from now on as NB) and alternatively in D. Hagedorn's *Wörterlisten* (from now on WL).

Recto

[ⲟⲩ]ⲕⲣⲁ[ⲙ]ⲙⲁ
[ ]ⲉⲩ - ⲟⲩⲡⲁϣ̣ ⲧⲉⲣ̣ⲙ̇ⲉ̇ⲥⲓ
[ⲙ]ⲉⲡⲉ̣ⲃϣⲉⲣⲓ - ⲟⲩⲧⲉⲣⲙⲉⲥⲓ
ⲥ̣ⲉⲩⲉⲣⲓ ⲩ̅ ⲕⲱⲥⲙⲁ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ϣⲉⲛⲟⲩϯ ⲩ̅ ⲥⲁⲭⲁⲣⲓⲁⲥ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲕⲗⲁⲩϯ ⲩ̅ ⲡⲇ̅ⲓ̅ⲁ̅ ⲥⲧⲉⲫⲉⲛ - ⲕⲉⲥⲛⲉⲩ
ⲥⲁⲁⲗⲁϩ ⲩ̅ ⲁⲡⲁⲁⲡⲧⲓⲗⲗⲁ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲁⲩⲗⲱⲥ ⲩ̅ ⲥⲁⲙⲟⲩⲏⲗ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲃⲓⲕⲧⲱⲣ ⲩ̅ ⲭⲁⲏⲗ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲥⲉⲥⲓⲛⲓ ⲩ̅ ⲡⲁⲧⲁⲩⲟⲩⲉⲉⲗ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲁⲣⲟⲩϣ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ϩⲁⲙⲡⲟⲩϣ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡϣⲉⲉⲓ ⲫⲁⲙϣⲉ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲥⲧⲁⲩⲣⲱⲥ ⲩ̅ ⲡⲁⲛⲁⲣⲟⲩ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲕⲟⲩⲛⲟⲩϭⲱϣ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲥⲧⲁⲩⲣⲱⲥ ⲩ̅ ⲥⲓⲧⲣⲱⲥ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡ̣`ⲁ̣´ⲡ̣`ⲁ̣´ ⲁ̣ⲡ̣ⲁ̣ⲓ̣ⲟ̣ⲩ̣ⲗ̣ⲓ̣ ⲕⲉⲥⲛⲉⲩ
ⲕⲉⲡⲣⲓⲁⲛⲱⲥ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲁⲛⲛⲟⲩϣⲉⲣⲓ - ⲟⲩⲕⲣⲁⲙⲙⲁ
ⲡ`ⲁ´ⲡ`ⲁ´ⲥⲓⲣⲓ ⲕⲉⲙ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲩ̅ ⲡⲁⲡⲁⲥⲓⲣⲓ ⲕⲉⲙ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲁⲡⲁϩⲓ ⲫⲁⲙϣⲉ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲁⲡⲓⲙⲁ ⲩ̅ ⲕⲟⲩⲛⲟⲩϭⲱϣ [[ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ]] ⲕⲉⲥ-
ⲛⲉⲩ
ϩⲟⲩⲙⲓⲥⲓ ⲩ̅ ⲡⲇ̅ⲓ̅ⲁ̅ ⲥⲧⲉⲫⲉⲛ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ

[7] Boud'hors & Calament 2004: 455.

ⲡ`ⲁ´ⲡ`ⲁ´ⲙⲁⲣⲕⲟⲩⲣⲓ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡϭⲉⲗⲗⲉ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲉⲓⲍⲁⲕ ⲛⲧⲉ ⲡⲇⲓ̅ⲁ̅ ⲧⲁⲛⲓⲏⲗ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲉⲧⲣⲱⲥ ⲩ̅ ⲡⲁϩⲁⲛⲧⲁⲩ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲇⲓ̅ⲁ̅ ⲧⲁⲛⲓⲏⲗ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲇⲓ̅ⲁ̅ ⲕⲟⲩⲙⲉⲧⲁ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲕⲗⲁⲩϯ ⲩ̅ ⲡⲁⲛⲁⲣⲟⲩ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲗⲁⲕⲓⲧⲁⲥ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲥⲉⲩⲉⲣⲓ ⲡϣⲱⲥ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲥⲉⲥⲓⲛⲓ ⲩ̅ ⲥⲟⲩⲣⲓ ⲁϩⲏⲩ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲁⲣⲙⲟⲩϯ ⲡϣⲱⲥ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲭⲁⲏⲗ ⲡⲙⲁⲛⲁϩⲁⲩ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲕⲟⲩⲣⲕⲟⲩ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲓⲟⲩⲇⲁ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲁⲡⲁⲛⲓⲗⲓ ⲡⲉⲕⲱⲧ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲥⲁⲁⲧⲟⲩⲛ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲇⲓ̅ⲁ̅ ⲥⲧⲉⲫⲉⲛ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ϣⲉⲛⲟⲩⲃⲓⲕⲁⲣⲁ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲕⲱⲱⲣⲅⲓ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲥⲉⲕⲣⲓⲥⲥⲓ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲥⲉⲥⲓⲛⲓ ⲩ̅ ⲥⲁⲙⲟⲩⲏⲗ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡ`ⲁ´ⲡ`ⲁ´ⲕⲗⲁⲩϯ ⲙⲉⲡⲉⲃϣⲉⲣⲓ ⲟⲩⲧⲉⲣⲙⲉⲥⲓ
ⲁⲧⲉⲉⲕ ⲛⲧⲉⲕⲁϫⲓⲃ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲁⲡⲛⲟⲩϯ ⲩ̅ ⲥⲓⲧⲣⲱⲥ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲇⲓ̅ⲁ̅ ⲟⲩⲥⲧⲉⲣⲁⲧⲏⲥ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
[ⲥ]ⲱⲧⲏⲣ ⲙⲉⲥⲉⲩⲣⲓ - ⲟⲩⲧⲉⲣⲙⲉⲥⲓ
[̣]ⲉⲓⲇ ⲩ̅ ⲑⲉⲕⲛⲟⲥϯ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
[ ]ⲩ ⲡⲉⲕⲱⲧ - ⲟ̣ⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
[ ]ϩ ⲡⲁⲧⲁⲩⲟⲩⲉⲉⲗ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ

B On the right margin, at 90 degrees to the main text
54 ⲁⲇⲁⲙ - ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲁⲛⲑⲓⲙⲱⲥ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲁⲗⲕⲟⲩⲙⲓ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ

Verso

On the verso, at 90 degrees to the main text, inserted inside two free squares in the drawing, four names are written on the left, and at 180 degrees on the other side symmetrically, are another four incomplete entries.

57 ⲡⲟⲩⲉⲛⲉⲙⲁⲩ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲫⲉⲣⲟⲙ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
ⲡⲇ̅ⲓ̅ⲁ̅ ⲁⲃⲣⲁϩⲁⲙ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
60 ⲕⲉⲣⲓⲗⲗⲱⲥ ⲟⲩⲡⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
61 [NN ⲟⲩⲡⲁ]ϣ ⲧⲉⲣⲙⲉⲥⲓ
[NN ⲟⲩⲡ]ⲁϣ̇ ⲧⲉⲣⲙⲉⲥⲓ
[NN ⲟⲩⲡ]ⲁϣ ⲧⲉⲣⲙⲉⲥⲓ
[NN ⲟⲩⲡⲁ]ϣ ⲧⲉⲣⲙⲉⲥⲓ

Commentary

3. See below in line 46, a more complete instance of the expression ⲙⲉⲡⲉⲃϣⲉⲣⲓ (ⲙⲛ ⲡⲉϥϣⲏⲣⲉ), "and his son," which explains the double payment in these entries.

4. The Latin name *Severus* is generally attested as ⲥⲉⲩⲏⲣⲟⲥ, and never with an epsilon for the eta like in our text: ⲥⲉⲩⲉⲣⲓ. But cf. also for the same confusion of vowels the transcription of the word *trimesion*.

6. ⲕⲗⲁⲩϯ is the Latin name *Claudius*. ⲡⲇ̅ⲓ̅ⲁ̅ probably stands for ⲡⲇⲓⲁⲕⲱⲛ, like below in many other entries. A deacon Stephen is attested in Fayyūmic colophons at the end of the ninth century (cf. van Lantschoot 1929: VI, XV, XLI) but can hardly be the same person, since the name is too common.

7. ⲥⲁⲁⲗⲁϩ ⲩ̅ ⲁⲡⲁⲁⲡⲧⲓⲗⲗⲁ are Arabic names (Ṣalāḥ ibn ʿAbd Allāh). ⲥⲁⲁⲗⲁϩ is unattested as spelled in this way, and the closest form we find in Coptic texts is ϫⲁⲗⲉϩ in NB (attested in *CPR* II 201A). Most probably he is a convert or at least the son of a convert, although this cannot be asserted with certainty. Besides, converts often used as patronymic the name ʿAbd Allāh.

10. ⲥⲉⲥⲓⲛⲓ ⲩ̅ ⲡⲁⲧⲁⲩⲟⲩⲉⲉⲗ. *Sisinios* is an Egyptian name, usually attested (see NB) as ⲥⲓⲥⲓⲛⲉ, ⲥⲓⲥⲓⲛⲛⲓⲟⲥ or ⲥⲓⲥⲓⲛⲓ, and in Greek Σισίνιος. The second name might be connected to ⲃⲁⲑⲟⲩⲏⲗ (NB).

11. ⲡⲁⲣⲟⲩϣ might stand for the Hebraic name Baroush, attested in Coptic (NB) as ⲃⲁⲣⲟⲩⲭ.

12. ϩⲁⲙⲡⲟⲩϣ is also attested as ϩⲁⲙⲡⲟⲩⲥ (NB).

13. ⲡϣⲉⲉⲓ ⲫⲁⲙϣⲉ. There is a name Ψεει attested in a Fayyūmic document (see Stern 1885: 37). He is a carpenter, as there is another one in line 22.

14. The name ⲡⲁⲛⲁⲣⲟⲩ is attested in Greek documents as Πανᾶρις. It does not appear however attested in Coptic in NB.

15. ⲕⲟⲩⲛⲟⲩϭⲱϣ is apparently unattested. The name is perhaps

connected to ϭⲱϣ, which appears in NB, together with a prefix ⲕⲟⲩⲛ- (ⲕⲟⲩⲓ-), “small.”

16. ⲥⲓⲧⲣⲱⲥ may stand for the Greek name Ἰσιδῶρος, also attested in Coptic (NB) as ⲓⲥⲓⲧⲣⲉ, ⲓⲥⲓⲧⲱⲣⲉ and ⲓⲥⲓⲧⲱⲣⲟⲥ.

17. This line was inserted at a later moment by the same hand. The ink is very faint. ⲁⲡⲁⲓⲟⲩⲗⲓ is a name attested in Fayyūmic documents, as for example in *BKU* III. 352, l. 1.

18. ⲕⲉⲡⲣⲓⲁⲛⲱⲥ is the name *Cyprianos,* attested in Coptic (NB) as ⲕⲓⲡⲣⲓⲁⲛⲟ(ⲥ) and elsewhere as ⲕⲩⲡⲣⲓⲁⲛⲟⲥ.

19. ⲡⲁⲛⲛⲟⲩϣⲉⲣⲓ is perhaps related to the attested name ⲛⲟⲩⲥⲉⲓⲣ. The amount paid is mentioned only here and in line 1 as ⲟⲩⲕⲣⲁⲙⲙⲁ. See above on this word.

20.–21. ⲡⲁⲡⲁⲥⲓⲣⲓ ⲕⲉⲙ: ⲥⲓⲣⲓ can be the name Σίριος ou ⲥⲩⲣⲟⲥ, and ⲕⲉⲙ is the Fayyūmic for ‘black’ (Sahidic ⲕⲁⲙⲉ), which would act here as a name or nickname.

22. The name ⲡⲁⲡⲁϩⲓ could be a form of ⲡⲁⲡⲟϩⲉ. ⲡⲁⲡⲁϩⲓ is also a carpenter, like the person in line 13.

23. The name ⲁⲡⲓⲙⲁ appears as Ἀπίμα in Greek papyri from the sixth century onwards (*CPR* IX 67, *P.Lond*. III 775, *P.Oxy*. XVIII 2197, XXXVI 2779). There is an attestation in a Coptic text for ⲁⲡⲓⲙⲓ. It could also be the name of a martyr, ⲉⲡⲓⲙⲁ. The payment in this line has been corrected from half a *trimesion* and written on top of the first amount by the same hand.

25. ⲡⲁⲡⲁⲙⲁⲣⲕⲟⲩⲣⲓ stands for the Latin name *Mercurius*. The spelling ⲙⲉⲣⲕⲟⲩⲣⲓ is also attested (NB).

26. The names ⲡϭⲁⲗⲉ and ⲡϭⲱⲗ are attested (NB), but not the one in this line, ⲡϭⲉⲗⲗⲉ.

27. The name here spelled as ⲉⲓⲍⲁⲕ, *Isaac*, is generally attested (NB) with a sigma: ⲉⲓⲥⲁⲕ, and Daniel with a delta, whereas here it appears with tau, as ⲧⲁⲛⲓⲏⲗ.

28. ⲡⲁϩⲁⲛⲧⲁⲩ can be related to Phantoou, one of the names of the Monastery of St. Michael in the Fayyūm. It would mean something like “the one from Hantoou.”

32. ⲗⲁⲕⲓⲧⲁⲥ is attested in Greek documents as Λακίτας.

33. In this line we have the mention of Severus the shepherd, ⲥⲉⲩⲉⲣⲓ ⲡϣⲱⲥ. The name *Severus* has already appeared in line 4, and this one might have been differentiated by way of providing the occupation, although other mentions of occupation in this document cannot be explained in this way.

36. ⲡⲙⲁⲛⲁϩⲁⲩ is also attested spelled as ⲙⲁⲛⲛⲁϩⲏⲩ. In Greek documents, there are similar names attested often as Πμενῆς or Πμενχήους or Πμουναχός (WL).

37. ⲕⲟⲩⲣⲕⲟⲩ perhaps stands for *Georgios*. But see below line 43 the spelling ⲕⲱⲱⲣⲅⲓ. There is a similar name attested in Greek documents, Κορκᾶς.

39. ⲁⲡⲁⲛⲓⲗⲓ ⲡⲉⲕⲱⲧ is perhaps *Apa Nilus*, the builder.

42. In the name ϣⲉⲛⲟⲩⲃⲓⲕⲁⲣⲁ, the first part, ϣⲉⲛⲟⲩⲃⲓ, is attested in the NB.

43. ⲕⲱⲱⲣⲅⲓ is probably the Greek Γεώργιος. See above note to line 37.

44. The name ⲥⲉⲕⲣⲓⲥⲥⲓ is not attested, nor any similar name, in NB.

46. ⲙⲉⲡⲉⲃϣⲉⲣⲓ corresponds to Sahidic ⲙⲛ ⲡⲉϥϣⲏⲣⲉ, meaning "and his son," which would explain the payment of a whole *trimesion*, double the amount of the other entries of the list, namely for two people, as is probably also the case in line 50. Perhaps also to be read in line 3.

47. The names ⲕⲁⲍⲓⲃ and ⲕⲁⲍⲓϥ are attested in the NB.

50. ⲙⲉⲥⲉⲩⲣⲓ: No Coptic attestation for this name appears in the NB; It could be compared to the name Μεσῆρις / Μεσουῆρις appearing in Greek documents (WL). An alternative, and more likely, interpretation would be ⲙⲛ ⲥⲉⲩ<ⲉ>ⲣⲓ, "and Severus." The latter interpretation can also explain the payment of a whole *trimesion*, as in line 46, covering the payment for two people.

51. The lacuna at the beginning of the line can be supplied as [ⲇⲁⲩ]ⲉⲓⲇ or [ⲥⲁ]ⲉⲓⲇ.

60. ⲕⲉⲣⲓⲗⲗⲱⲥ stands for the name Κύριλλος.

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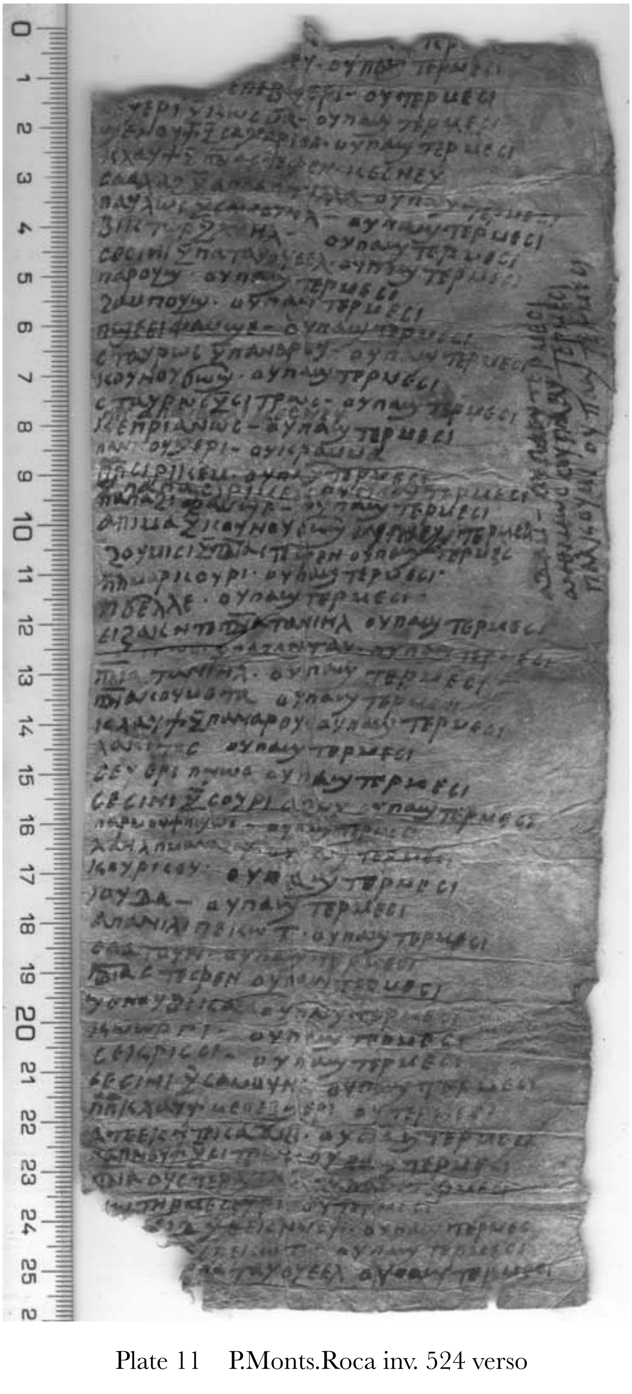


Plate 11 P.Monts.Roca inv. 524 verso



Plate 12 P.Monts.Roca inv. 524 recto

KHURASAN

NEWLY DISCOVERED ARABIC DOCUMENTS FROM EARLY ABBASID KHURASAN

Geoffrey Khan

Previous studies of Khurasan in the Abbasid period have been based on historical chronicles and literary writings. These are extant in abundance and have allowed scholars to reconstruct the political history in considerable detail. There is very little information from these sources, however, about day-to-day administration and the local affairs of ordinary people.[1] This has been particularly regrettable, since political developments have often been attributed to social changes affecting the masses in the countryside without there being any first hand documentary evidence for the conditions of their everyday lives.

Until recently very little early Arabic documentary material has been discovered in the eastern Islamic world comparable to the Arabic papyri from Egypt. The only document available was an Arabic letter from Central Asia written in 100/718–179. This caused great excitement when it was discovered in 1933 in the ruins of a fortress on Mount Mūgh situated in the valley of Zarafshān in Tajikistan (ancient Sogdiana). The document, which was published by I.Y. Krachkovski and V.A. Krachkovskaya (1934), is a letter written to the Arab governor of the region, al-Jarrāḥ ibn ʿAbdallāh.

The early Arabic documentary material from the eastern extremities of the Islamic world has now been dramatically increased by a newly discovered corpus of Arabic documents. These emanate from what appears to have been a private archive of a family resident in north-eastern Afghanistan in the early Abbasid period. They consist of thirty-two administrative and legal documents datable from 138/755 to 160/777. Like the document from Mount Mūgh, these newly discovered documents are on parchment. With one exception, they were all written during the reign of the Abbasid caliph al-Manṣūr (r. 136–58/754–75). The majority (twenty-three documents) are official quittances for the receipt of taxes. The others include a document relating to a cadastral

[1] Kennedy 1981: 214.

survey, documents relating to the emancipation of slaves and documents recording the renunciation of debts.[2]

The Arabic documents appear to have the same provenance as a collection of documents written in Bactrian, the local Iranian language of the region, which has been published by Sims-Williams.[3] The latest documents of the Bactrian corpus are datable to the first two centuries of Islam and mention many of the personal and place names that appear in the Arabic documents. Both collections, therefore, are of immeasurable historical importance in that they provide first hand evidence of everyday life in early Islamic Khurasan.

The personal names attested in the Arabic documents in the corpus reflect a variety of different ethnic layers in the local population, which is a legacy of the region's earlier history. In addition to Arabic names, one finds names of Iranian and Turkish origin.

The Bactrian documents from the early Abbasid period reflect a local community using their ancestral Iranian language, adhering to local religious practices and under the jurisdiction of a local ruler. This form of devolved local government is identical to what appears to have existed in the Umayyad period and indeed before the arrival of the Arabs. The Bactrian documents generally refer to the local ruler as the *khar*, which is an Iranian dialectal form derived from Old Iranian **xšāθriya-* 'ruler'. A variant dialectal form with the same etymology is *shēr*, which is mentioned by several Muslim writers, spelt either شير or شار, as the title of the rulers of Bāmiyān, Gharchistān and other places in the area of ancient Bactria.[4]

The Bactrian documents also refer to a lead with the title of *ser* (σηρο). Since the Bactrian script has a symbol to represent the /*sh*/ sound, it is unlikely that this is to be identified with the *shēr* of the Arabic sources and, unlike the titles *khar* and *shēr*, is not a derivative from Old Iranian **xšāθriya-*. The title *ser* is found on several extant 'Hunnish' coins from the region.[5] It is associated with Turkish leaders in the Bactrian corpus.

[2] The full corpus is published in Khan 2006.
[3] Sims-Williams 2000 (referred henceforth as *BD*).
[4] Ibn Khurradādhbih (299/912), *Kitāb al-Masālik wa-'l-mamālik*, 39; Iṣṭakhrī (345/957), *Masālik al-mamālik*, 280; *Ḥudūd al-ʿālam* (tr. Minorsky), 109, 327, 332, 335, 341, 344, 359; Marquart 1901: 79; Göbl 1967 I, 165–6. Yaʿqūbī (d. 284/897) (*Kitāb al-Buldān*, 289) mistakenly identifies the title as the Persian word for lion.
[5] Göbl 1967: I, 165–66.

In BD I S_{11} he is described as '*ser* of the Turks' (σηροτορκο) and in BD Y he has the Turkish title *qaghan*. Document 25 of the Arabic corpus refers to a local ruler with the title السير with no diacritical dots written over the first letter. In principle, this could be read as الشير as in the Arabic historical sources mentioned above. Since, however, this document concerns a man who in the Bactrian documents W and Y is said to be under the jurisdiction of the *ser* rather than the *khar*, it is likely that the Arabic term should be read as السير (*al-sēr*) rather than الشير (*al-shēr*).

The *khar* who appears in the Bactrian corpus had his court at the town of Rob, which can be identified as modern Ruʾi, lying fifty miles south of Samangan. He can be identified with Ruʾb-khān, the ruler of Ruʾb and Samangan, who helped Qutayba ibn Muslim defeat the Hephthalite rebel Nēzak Ṣarkhān in 91 A.H.[6]

As remarked above, a large proportion of the Arabic corpus of documents are tax receipts. These were issued by tax officials under the authority of a local governor (*amīr*). The men to whom the receipts were issued came from a local non-Arab family who had not converted to Islam. The documents indicate that the central government had taken direct charge of the collection of government taxes. This differs from the Umayyad period, in which the local feudatory princes known as *marzbān*s ('frontier wardens') were responsible also for collecting taxes. Some of the *amīr*s and tax officials have Iranian elements in their names, for example Abū Ghālib ibn al-Iṣbahbadh (5_3, 6_3, 7_3, 8_3), al-Ḥasan ibn Warazān (1_3, 2_3), ʿAmr ibn Marzūq (12_3, 13_2, 15_2), Jarīr ibn Māhān (13_3), al-Ḥasan ibn Farrukh (17_2). The Middle Persian title Iṣbahbadh suggests that this man came from an Iranian aristocratic family of administrators, the *spāhbed* being the term used to designate a military governor of a province in Sasanian administrative terminology.[7] It would appear that members of Iranian administrative families were incorporated into the Abbasid administration. Under the Sasanians the same families remained in state service over several generations and many of these seem to have continued in administrative positions well into the Abbasid period.

[6] Ṭabarī (d. 310/923), *Taʾrīkh*: 2, 1219. Cf. Sims-Williams 1997a: 15.

[7] The term originally designated the supreme military commander in the Sasanian empire, but in the sixth century C.E. Khusraw Anūsharwān divided the office and appointed four *spāhbed*s for each of the quarters of the realm (Bosworth 1999: 91). According to Masʿūdī, the *spāhbed* belonged to the second rank of courtiers immediately after the high nobility (*Murūj al-dhahab*: 2, 153).

A large proportion of the Arabic documents concern a man known as Mīr ibn Bēk and it is likely that most of the documents in the corpus originated in his private archive. The only documents that do not have any clear connection to him or to his family are the deeds of emancipation of slaves (29–32). Other members of his family that appear in the Arabic documents are his brother Bāb (12–16), his son Q̄ārwāl (17–22, 24), his daughter Ḥamra (26–28) and a man called Meham, who was possibly his nephew (23). A number of the Bactrian documents datable to the second century A.H. refer to Mīr as well as to several members of his family, some not mentioned in the Arabic corpus.

The family of Mīr ibn Bēk was from Bāmiyān, as is shown by the Arabic *nisba* al-Bāmiyānī, which qualifies his name in 1, 25 and 27. Meham has the same *nisba* in 23. Bāmiyān, however, does not appear to have been Mīr's place of residence at the time when the documents were written. Most of the tax receipts in the corpus were issued to Mīr and his relatives by the tax officials of a local *amīr* who is said to have jurisdiction "over Madr and Rizm" (على مدر ورزم). Both of these places are referred to in the Bactrian documents. Madr can be identified with the modern town of Madr, which is situated 43 miles north north-east of Bāmiyān. In the earlier Bactrian documents the place name sometimes has the form Malr. Rizm appears to have been adjacent to Madr.

Twenty-three of the documents are tax receipts, which were written between 147 A.H. and 158 A.H. All of these were issued by the financial administrators (*ʿummāl*, sing. *ʿāmil*) of a local *amīr*. Some documents refer to one such financial administrator, while others are issued jointly by two administrators. The jurisdiction of the *amīr* is specified by indicating the main towns over which he has authority. In one document (1) the area of his authority is referred to as a *kūra*, i.e. a local administrative unit consisting of a collection of towns and villages. As remarked, in the majority of documents the *amīr* is stated to be "over Madr and Rizm" (على مدر ورزم).

The existence of these Arabic tax receipts and their remarkable similarity in formulaic structure to equivalent documents from the same period that have been preserved among the Arabic papyri in Egypt reflect a highly centralized administration during the reign of al-Manṣūr, which was operating in rural areas outside the main towns. The Bactrian corpus shows, nevertheless, that the reach of the Abbasid administration did not extend much beyond tax collection. The *amīr* had military and fiscal responsibilities but not judicial. The regulation of law in so far as they affected the non-Muslim population was largely in the juris-

diction of the local ruler. There is no evidence at this period, moreover, that the imperial administrative structures were causing a destabilizing break-down of rural society.[8] Most affairs connected with the daily lives of a non-Muslim rural community were still under the jurisdiction of the local ruler. Several of the men who are issued tax receipts by the Abbasid officials appear in the Bactrian documents and are described as 'the servants of the *khar* of Rob.' The Bactrian documents, moreover, were written in traditional formulaic structures that had remained unchanged since late antiquity. These differed from the formulaic structures of the Arabic documents, which were brought to Khurasan by the Arabs.

All of the Arabic tax receipts are presented as a quittance (*barāʾa*) that releases the recipient from an obligation to pay as a consequence of the receipt of tax payments.

The documents exhibit the following types of opening formula:

(i) هذه / هذا براة من فلان ... لفلان "This is a quittance from so-and-so ... for so-and-so" (3, 4, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23)
(ii) (هذا كتاب من فلان ... براة لفلان) (1, 2, 5, 7, 8, 9, 10, 12, 13, 14 "This is a document from so-and-so ... a quittance for so-and-so"
(iii) هذا كتاب براة من فلان ... لفلان "This is a document of quittance from so-and-so ... for so-and-so" (6)

The issuer of the document, who is identified after the preposition *min* "from" in the formulae above, is the financial administrator(s) of the governor. Thereafter the operative clauses are presented in subjective style in that the issuer of the document is referred to in the first person and the taxpayer referred to in the second person.

Most documents contain a clay *bulla* that is attached to the bottom of the document. These contain authorizations in the form of seal impressions that bear the names of the financial administrator(s) who issued the document or their emblems.

Many of the formulaic elements that occur in the tax receipts from Khurasan can be found also in documents that have been preserved among the Arabic papyri from Egypt, reflecting the high degree of

[8] It has been argued by E.L. Daniel (1979: 191–3) that the centralization of the early Abbasid administration led to the breaking up of the old Iranian aristocracy in Khurasan and discontent among the small landowners and peasants, all of which resulted in profound social changes, including the increase in urbanization.

centralization of the administration at this period. It is noteworthy, however, that some of the formulaic parallels in the Egyptian documents appear at a later date than that of the Khurasan corpus. It seems that these were elements of administrative practice that were developed in the eastern provinces and subsequently transferred to Egypt, most likely by the numerous Persians officials who were appointed there during the Abbasid period. One example of this is as follows. In the third century A.H. various changes took place in the structure of tax receipts from Egypt.[9] The key term in operative clauses of most receipts becomes the verb *addā* "to deliver," referring to the delivery of the tax by the taxpayer, whereas the term *qabaḍa* "to receive," referring to the receipt of the tax, is rarely used, a typical formula being: ادى فلان ...الى فلان "So-and-so (the taxpayer) has delivered to so-and-so (the issuing agency)." The use of the verb *addā* in this type of formula is first attested in Egypt in a document dated 216 A.H. (*PAP* 12). By the third century it had become the technical term for paying taxes, the noun *al-muʾaddā* being used to refer to the place where taxes were delivered.[10] The use of the verb *addā* in this technical sense is attested in the Khurasan tax receipts in the middle of the second century, antedating the first attestation in the Egyptian documents by about seven decades. Within the corpus of Khurasan documents, the verb is used regularly in documents datable to 150 A.H. and later but is not found in documents written before that date (1–7).

The *bullae* with seal impressions that are attached to the Khurasan documents for the sake of official authorization continue elements of the Sasanian iconographical tradition. Several of the seals, for example, contain astral images, which were popular in the Sasanian empire. Some seals consist of a five-pointed star in the centre with four small crescents in each of the four corners of the field, as in document 1:



[9] Frantz-Murphy 2001: 70ff.
[10] Dozy (1927): I, 15; cf. Balādhurī, *Futūḥ al-buldān*, 68 (glossary p. 11); Karabacek

The practice of attaching a *bulla* stamped with a seal is found also in the Egyptian documents. Most of the seal impressions that have been preserved on the papyri contain the names of the issuers of the documents or pious phrases, which no doubt functioned as the motto of the issuers.[11] A five-pointed star symbol similar to the one that is found on the seal of some of the Khurasan documents is found in some seals preserved on Arabic papyri from Egypt.[12] It is likely that this practice was transferred to Egypt by the appointment of Iranian administrators in that region in the Abbasid period. Of particular interest is the occurrence of similar star-like scribal marks that are written by pen at the bottom of several extant Arabic papyri from Egypt. It is possible that this is a continuation of the astral imagery transferred from the medium of a seal to that of the pen. Such documents are mostly of an administrative nature, e.g. *P.Berl.Arab.* I 8 (an order of payment), *P.Khalili* I 11 (a receipt).[13]

The tax that is most frequently mentioned in the liability clause of the Khurasan receipts is *kharāj*. In several cases the documents refer also to supplementary taxes, which are designated by the term *qisam* "portions" (singular *qisma*). Some documents are receipts only for the supplementary taxes.

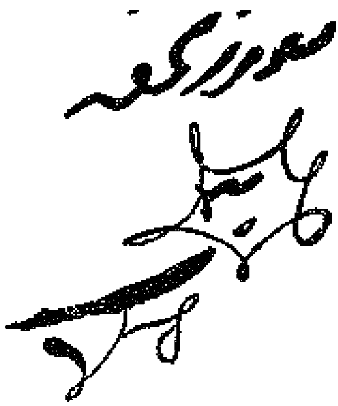


Figure 1 *P.Berl.Arab.* I 8

1887: 163; and Frantz-Murphy 2001: 100. The older structure of receipts opening with phrases such as براة فلان or براة لفلان continued to be used in the third century A.H. in Egypt for other types of payments, e.g. the payment of the rent of buildings.

[11] Frantz-Murphy 2001: 79; Rāghib 1997: nos. VI, VIII.

[12] Grohmann 1924: 80.

[13] See also the references cited by Grohmann 1924: 20, 87, 88; *P.Cair.Arab.* IV: p. 81.

It is reasonably clear that the term *kharāj* in these documents refers to land tax rather than poll tax. The reference in several documents to "the *kharāj* that you owe in the citadel of (the river of) Yaskin and Ghandar" may be interpreted as meaning that the tax was due on lands owned in those places. It is possible, nevertheless, that land and poll taxes were paid as a combined assessment.

It is particularly significant that the Khurasan corpus contains a document (24) relating to a cadastral survey of land in "the citadel of Ghandar," which was made, presumably, for taxing purposes. This document, which is dated 154 A.H., refers to land owned by Qārwāl ibn Mīr. The unit of surface measure is the *jarīb*, which was customarily used in cadastral surveys in the eastern Islamic provinces.

The supplementary taxes (*qisam* "portions") are often referred to generically in the receipts. In a few documents, the precise purpose of the supplementary taxes is specified. These include the following:

(i) For the expenses of the land (نفقات الارض, 6, 21)
(ii) For the expenses of the governor (نفقات الامير, 21)
(iii) For the expense of pack-animals used for corvée duty (قسمة نفقة دواب السخرة, 3)
(iv) For the expenses of the pack-animals of the postal service (نفقات دواب البريد, 6) and for travel provisions for the postal workers and messengers and their board (جوائز البرد والرسل ونزلهم, 6)
(v) For the expense of the sustenance for al-Mahdī (قسمة نفقة طعام المهدى, 3) for the expenses of al-Mahdī (نفقات المهدى, 21), for the expenses of captives and slaves who equipped themselves to join al-Mahdī (نفقة من تجهز الى المهدى . . . من الرقيق والاسارى, 21).

The reference to supplementary charges to support the postal system is of considerable historical importance. There are very few extant literary sources that relate to the pre-Mamlūk postal system and those that exist are of dubious reliability.[14]

The person referred to as al-Mahdī is clearly to be identified as Muḥammad ibn Manṣūr al-Mahdī, who, at the period in question, was the heir apparent to the caliphate. The taxes referred to in the documents were for years that predate the accession of al-Mahdī to the

[14] For discussion of the importance of documentary sources, including the newly discovered Khurasan documents, for the history of the *barīd* in the early Islamic period see Silverstein 2004.

caliphate in 158 A.H. They are mentioned in document 3 (dated 148 A.H.) and in 21 (dated 158 A.H. but relating to taxes for 157 A.H.). We know from numismatic evidence that Muḥammad, the son of the caliph al-Manṣūr, had been given the title of al-Mahdī before becoming caliph. Al-Manṣūr sent al-Mahdī to the east as his viceroy in 141 A.H.[15]

The supplementary taxes in our documents may have been, in effect, local taxes intended primarily to support local administrative services. This certainly applies to the first three categories of supplementary tax, i.e. those levied to defray the expenses of the land, the governor and pack-animals used for corvée duty. The postal service was controlled by central government, but the accommodation and provision of messengers passing through the area were a local responsibility. The tax for the support of al-Mahdī's forces is surprising, since one would have expected such military expenditure to be financed by the *kharāj*. The statement in document 21 that the tax in question was for "the expenses of the captives and slaves who equipped themselves to join al-Mahdī" suggests, nevertheless, that it was, in this case at least, used to finance local recruitment. The *kharāj* tax at this period went to a central imperial fisc (*bayt al-māl*), though, according to Jahshiyārī, there was a provincial bureau in Khurasan known as *dīwān al-mashriq*,[16] which presumably played some role in the administration of the tax. It is possible that a tax contributing to the general military expenses of al-Mahdī became necessary due to the insufficiency of the revenue accruing from *kharāj* to meet these or, at least, the insufficiency of funds redistributed to the province by the central imperial administration.[17]

The *kharāj* tax is not mentioned in the Arabic papyri from Egypt until the Abbasid period. The earliest reference to this tax in the Egyptian papyri that I am aware of is found in the unpublished papyrus A-241 from the collection of the Oriental Institute, St. Petersburg, which alludes to the *kharāj* of the year 150 A.H.[18] The earliest reference to *kharāj* in a published Arabic papyrus from Egypt is in *PAL* II no. 16, which is dated Shawwāl 156 A.H. The term originated in the administrative nomenclature of the eastern provinces and was introduced into

[15] Ṭabarī, *Taʾrīkh*: 3, 134.
[16] *Kitāb al-Wuzarāʾ*: 281.
[17] In later periods additional taxes were regularly levied to make good financial shortfalls arising from military campaigns; cf. Lambton 1997: 1041.
[18] A plate of this papyrus is published in Akimushkine *et al.* 1994: 93.

Egypt by Abbasid officials. In fact, documents 1–6 from the Khurasan corpus, which refer to *kharāj*, predate 150 A.H. and so these are now the earliest documentary records of *kharāj*. The first references to the term in the Egyptian papyri fall within the reign of the caliph al-Manṣūr (136–58 A.H.), who attempted to consolidate Abbasid control of the provinces by a policy of fiscal unification.[19]

The legal documents from the Khurasan corpus that mention the presence of witnesses do not contain autograph signatures of witnesses but rather contain a list of names of people who have acted as witnesses. This is consistent with what we know from other sources concerning the witnessing of Arabic legal documents in the early Islamic period. The practice of listing witnesses without signatures is found in Arabic legal papyri from Egypt datable to the first two centuries A.H.[20] A document attributed to ʿAlī ibn Abī Ṭālib (39 A.H.), which is recorded by Ṭaḥāwī, also closes with a simple list of witnesses.[21] According to *al-Fatāwā ʾl-ʿālamgīriyya*,[22] the earliest Iraqi legal scholars such as Abū Ḥanīfa (d. 150/767), Abū Yūsuf (d. 182/798) and Shaybānī (d. 189/805) at the end of their formularies simply wrote the verb *shahida* followed by a list of witnesses.

Legal documents containing autograph witness clauses written at the bottom of the text are attested in the Arabic papyri from the beginning of the third century A.H. onwards.[23] This innovative practice appears to have been introduced by the Muslim jurists of the second century on the basis of pre-Islamic models. The practice of attaching autograph signatures of witnesses is found in Greek and Aramaic documents from the pre-Islamic period.[24] The documents of the Khurasan corpus, therefore, conform to the early Islamic practice and in this respect have not been affected by the innovations of the second century jurists.[25]

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[19] Morimoto 1981: 150–1.

[20] E.g. the quittances *P.Khalili* I 9 (104 A.H.), *PAL* III 24 (123 A.H.), *Chrest.Khoury* I 49 (185 A.H.). Note also the Arabic version of the bilingual (Greek-Arabic) document from Nessana, dated 67 A.H., which closes with a list of names of witnesses without signatures (*P.Nessana*: pp. 156–60).

[21] شهد على ذلك عبيد الله بن ابى رافع وهياج بن ابى هياج وكتب على بن ابى طالب ام الكتاب بيده لعشر ليالى خلون من جمادى الاولى من سنة تسع وثلاثين "'Ubaydallāh ibn Abū Rāfiʿ and Hayyāj ibn Abū Hayyāj witnessed that. ʿAlā ibn Abū Ṭālib wrote the original document with his hand on 10th Jumādā I of the year 39" (Ṭaḥāwī, *Kitāb al-Shurūṭ, al-kabīr*: text, 7).

[22] 6, 422.

[23] The earliest such document that I am aware of is *P.Cair.Arab.* I 89 (209 A.H.). For references see Khan 1994: 201.

[24] Khan 1994: 205, 212.

[25] Legal documents from a later period written in the same region, by contrast, have

It is significant that, although the documents from Khurasan do not contain autograph signatures of witnesses, they do contain clay *bullae* with a physical mark of the witnesses, in the form of an impression either of a seal or of a fingernail.

Bullae with seal stamps are found among the Arabic papyri from Egypt. These seal letters and are used to authorize official documents, such as tax receipts[26] and safe-conduct permits.[27] The practice of witnesses of legal documents impressing their seal on *bullae* is, however, unattested in the Arabic papyri from Egypt, as far as I am aware. There are, nevertheless, references in Arabic literary texts to such a practice in the early Islamic period.[28]

The use of the *bullae* to preserve the mark of witnesses in the Arabic documents from Khurasan was a continuation of a local practice. Impression of fingernails and seals by parties and witnesses on *bullae* is a feature also of the Bactrian documents, in both the pre-Islamic and early Islamic periods.[29] Seals were an integral part of legal and administrative documents at earlier periods in regions under Parthian and Sasanian rule. The Parthian legal documents from Avroman had seals attached to them. The use of seals on contracts in the Sasanian period is referred to in the Sasanian law code *Mādayān ī Hazār Dādestān* 'The Book of a Thousand Judgments.'[30] Furthermore, numerous Pahlavi documents with *bullae* bearing seals are extant; some of these are datable to the seventh and eighth centuries C.E. These were used for the authorization of documents, but in the current state of research it is not clear whether they bore the marks of witnesses to legal documents.[31]

As has been remarked on several occasions above, some of the Bactrian legal documents are datable to the same period as the Arabic documents in the Khurasan corpus. They, moreover, mention several personal and place names that can be identified with names that occur in the Arabic documents. The Bactrian documents in question are documents *BD* I W (A.D. 747/A.H. 129–30), *BD* I X (A.D. 749/A.H.

autograph witness clauses. This is the case, for example, in the Persian document from Bāmiyān dated 470/1078 published by Scarcia 1963.

[26] Grohmann 1924: 80; *PERF*: pp. 820–2.

[27] Rāghib 1997.

[28] Grohmann 1924: 84.

[29] Sims-Williams 1997b: 14.

[30] Choksy 1988: 194.

[31] See Gignoux 1996: 63; Azarpay 2003.

131–2) and *BD* I Y (A.D. 771/A.H. 154–5). These all concern Mīr ibn Bēk and various members of his family.

The existence of contemporary Arabic and Bactrian documents indicates that at this period documents in both languages were in use. A comparison of the documents shows that the documents differ not only in language but also in functional distribution and structure.

Two of the aforementioned Bactrian documents relate to the ownership of private property. Document *BD* I W records the purchase of land by Mīr and his brother Wahran. Document *BD* I X establishes joint ownership of property among various members of Mīr's family. Document *BD* I Y is an edict from the local ruler, known as the *sher*, releasing Mīr from claims relating to the affairs of his brother Bāb. None of the parties involved in these three documents are Arabs. The majority of the Arabic documents are issued by the Arabic tax authorities (1–24) and the remaining ones (25–32) involve at least one party with an Arabic name or at least a name containing an Arabic component. It should be noted, furthermore, that documents 25–32 do not overlap in function with the Bactrian documents. Documents 25–28 are renunciation of monetary claims by private individuals and 29–32 relate to the emancipation of slaves.

There is no clear relationship in formulaic structure between the Arabic and Bactrian documents. It has been demonstrated above that the Arabic documents share many elements of formulaic structure with Arabic documents that have been preserved in Egypt. The Arabic documents reflect formulaic traditions that were brought to Khurasan by the Arabs. They were not imitations of the local formulaic traditions reflected in the Bactrian documents. There are, likewise, no clear parallels between the formulaic tradition of the Arabic documents and those of the extant Pahlavi documents, as far as can be seen in the present state of research. Parallels to the formulaic phraseology of the Bactrian documents can be found, however, in a variety of documents produced in Central Asia and the Near East during the pre-Islamic period.[32]

The relationship between the physical structure of the Arabic and Bactrian documents is more complex. The Bactrian legal documents *BD* I W and X, as well as earlier legal documents in the corpus, have the form of 'double documents'. This is a traditional structure that is found in documents from Avroman of the Parthian period[33] and was wide-

[32] Sims-Williams 1997: 18.
[33] Minns 1915.

spread in the Hellenistic and Roman Near East. Such documents consisted of two copies, one being rolled up and sealed and the other left open for consultation. The purpose of the sealed document was to function as an instrument of proof in the presence of a judge in the event of a dispute. This structure is not found in any of the Arabic documents, apparently since it was not a feature of the Arabic documentary tradition that was brought to Khurasan by the Arabs. It is not found in contemporary documents from Egypt that have been preserved among the Arabic papyri, though it is likely that legal documents were produced in more than one copy. There is, nevertheless, a parallel between the Bactrian and Arabic documents in the use of clay *bullae* for authorization marks and marks of witnesses. As has been remarked above this appears to have been a local custom, found also in Pahlavi documents, which was taken over by the Arabs. The custom of witnesses to legal documents leaving their mark in a clay *bulla* is, indeed, unattested in the Egyptian papyri.

When we read in sources such as Jaḥshiyārī's *Kitāb al-Wuzarā*ʾ *wa-'l-kuttāb* that Arabic was substituted for Persian in the administration of the eastern territories under al-Ḥajjāj in 78 A.H.,[34] it seems that this did not simply involve producing Arabic versions of the administrative and legal documents. Not only a new language but a new formula tradition was introduced.[35] The same applied to the arabization of the Greek administrative structure in regions that were formerly part of the Byzantine empire.[36] Some elements of the physical structure of documents did, however, continue local practices. This applies, of course, to the writing material, parchment in the east, as is the case with the Arabic documents from Khurasan, and papyrus in Egypt and the adjacent regions. The tradition of constructing papyrus rolls was continued in early Islamic Egypt and also scribal practices regarding the writing on papyrus, for example the positioning of the script in relation to the direction of the papyrus fibres.[37] As we have seen, the usage of clay *bullae* to preserve the marks of witnesses was continued in the east.[38]

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[34] *Kitāb al-Wuzarā*ʾ: 38.

[35] It may, nevertheless, be possible to trace the transmission of legal concepts from the pre-Islamic Iranian legal systems into Islamic law (Choksy 1988).

[36] Khan 1994, 1994b.

[37] Khan 1993: 18.

[38] A similar conclusion is reached by Gignoux & Kalus (1982) with regard to the relationship between the inscriptions in Sasanian and Islamic seals. Their study shows that, although the practice of using seals continued into the Islamic period, the Arabic inscriptions were generally new formulations and not imitations of the Pahlavi inscriptions of the Sasanian seals.

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EPIGRAPHY

EPIGRAPHY AND THE EMERGENCE OF ARAB IDENTITY

Robert G. Hoyland

This article will look at the contribution that epigraphy can make to understanding the phenomenon of Arab identity, in particular, whether the Arabs constituted a people before Islam, and if so, in what respect, questions that evoke very different responses from modern scholars.[1] It is as yet only a preliminary sketch, advancing a few tentative suggestions, in advance of a more in-depth study.

Self-Designation

The first contribution is a negative one. We only have three examples of someone declaring himself to be an Arab in the period before the rise of Islam: (a) "Rufinus, son of Germanus, bird-augurer, Arab (*araps*), of the city of Septimian Kanotha, for his son Germanus" (epitaph on stone in Greek, third century C.E., from the island of Thasos); (b) "Paratês, Arab (*araps*), barber, for Malik regarding his pay" (receipt on papyrus in Greek, dated 220 B.C.E., from Egypt); (c) "Imruʾ al-Qays son of ʿAmr, king of all the Arabs . . . who ruled both sections of al-Asd, and Nizar and their kings, . . . and Maʿadd" (epitaph on stone in Arabic language but Nabataean Aramaic script, dated 328 C.E., from Nemara in southern

[1] E.g. "Before Islam the criteria for identifying Arabs are even more uncertain than after. They certainly cannot depend, for most of the period in question, on any attested self-definition by the groups concerned . . . Nothing in the extensive epigraphic evidence from Palmyra or Nabataea suggests that either people identified itself as Arab" (Millar 1993: 512) versus: "The Roman period was one of increasing reassertion by the Arabs culminating in the great Arab empires of early Islam . . . When viewing the spectacular ruins of Petra or Palmyra . . . it is not often appreciated that one is examining Arab civilisation as much as if one were examining Islamic Damascus or Baghdad" (Ball 2000: 31–2). And "Zu Anfang des 7. Jahrh. kann man noch nicht von einem arabischen Volke im vollen Sinne des Wortes sprechen, nicht einmal für den nördlichen Teil Arabiens, schon gar nicht für die ganze Halbinsel" (Henninger 1966: 857) versus: "Before Islam . . . the northern Arabs constituted a *Kulturnation* . . . Expressed in psychological terms, a *Kulturnation* is kept together by common expectations, associations and tooling; community of language and religion" (von Grunebaum 1963: 5–10).

Syria (see plate 13).[2] In none of these cases is there enough information for us to decide exactly what it meant to be an Arab, and yet these self-designations suggest that it was meaningful to a wider public.

The significance of the term is also likely to have changed over time. Assyrian, Persian and Greco-Roman authors had used the term 'Arabs' to refer to the inhabitants of Arabia and the Syrian steppe, but in the third century the terms 'Saracen' and 'Tayyaye' began to be used for this designation. These were the names of tribal groups that came into close contact with the empires in the third century, the former already known in northwest Arabia to Ptolemy (second century C.E.), the latter known to Muslim historians as a group that had migrated from southern Arabia. And the term 'Arab' at this time seems to undergo a transformation, apparently now used as a term for Roman citizens of the province of Arabia.[3] This might explain the claim of the aforementioned Rufinus to be an Arab, since Kanotha (modern Qanawat in southern Syria) was on the border of Roman Arabia (and his profession, bird-augurer, was deemed an Arab speciality),[4] and perhaps also the ascription of two-soldiers, both called John, to the "lands of the Arab people" (*apo chôrôn tou Arabôn ethnous*: funerary inscription from Pella in modern Jordan, dated 522 C.E.).[5]

Arab Kings, Arab Tribes, Arabic Inscriptions

A particularly interesting development in the epigraphic record from the third century C.E. onwards is the appearance of Arab kings, Arab tribes,[6] and Arabic texts:

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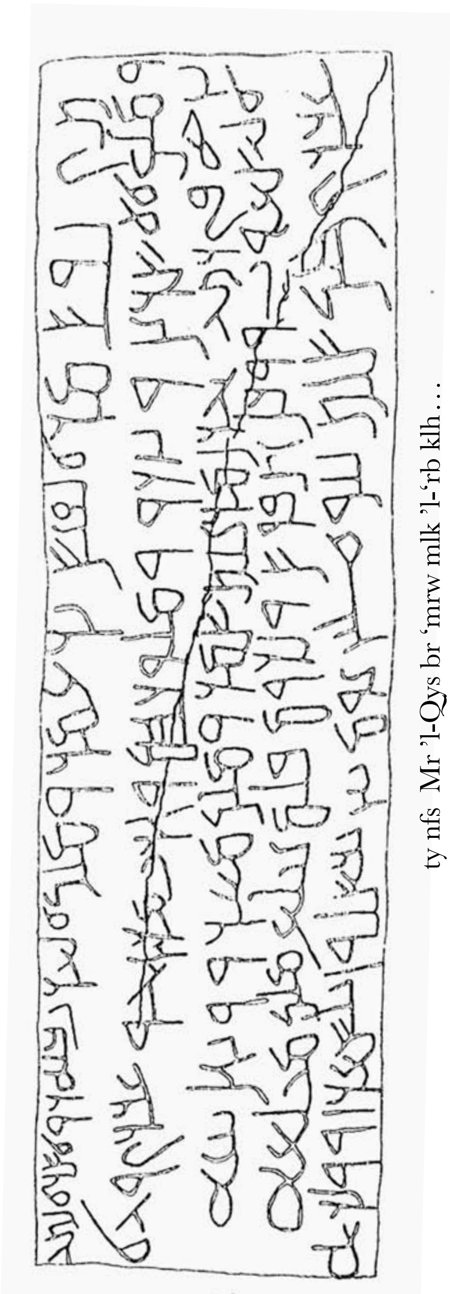
[2] For these three texts, see Hoyland 2001: 236–7, 255 n. 8.

[3] The prooemium of Justinian's *Novella* 102 calls the province of Arabia "the region of the Arabs," and in the east 'Arab' is used as a term for citizens of the province of ʿArab/Beth ʿArabaye (cf. Zacharias Rhetor, *Historia Ecclesiastica* 2.35: the city of Dara was built "to guard the country of the Arabs [*ʿArabaye*] from the marauding bands of Persians and Tayyaye"). See further Shahid 1984–95: 2.192–3, 3.56–9, and Retsö 2003: 505–25.

[4] E.g. in his *On Divination*, Cicero notes that "the Arab people above all heed the signs of birds" (1.41); for further references, see Hoyland 2001: 154–5.

[5] Smith 1973: 1.188.

[6] Or at least tribal names familiar to us from Muslim Arab sources. Note that there may be considerable variety in the social organization of these groups labeled 'tribe' (cf. Zwettler 2000, esp. 266–7: Maʿadd not a tribal confederation, but an *ethnie*).



ty nfs Mr ʾl-Qys br ʿmrw mlk ʾl-ʿrb klh…

Plate 13 Nemara Inscription 328 A.D.

Arab Kings

1. "Ǧadhima king of Tanukh" (*Gadimathou basileus thanouitôn/Gdmt mlk tnwh*) features in a mid-third century, bilingual Greek-Nabataean Aramaic epitaph for his tutor, etched on a stone found at Umm al-Jimal in modern north Jordan (Plate 14).[7]
2. "ʿAmru king of the Lakhmids" (*ʿAmrw lhmʾdyn mlkʾ*) appears in a bilingual Persian-Parthian monumental inscription among the vassals of the Sasanian emperor Narseh (r. 293–302).[8]
3. A "king of al-Asd" is mentioned in a south Arabian inscription recording the dispatch of a delegation from the Himyarite ruler Shammar Yuharʿish (ca. 275–310), which also went to the "land of Tanukh."[9]
4. The deeds of "Imru' al-Qays son of ʿAmr, king of all the Arabs" against al-Asd, Nizar, and Maʿadd are commemorated in the aforementioned epitaph found at Nemara, southern Syria, dated 328 C.E. (Plate 13).[10]

Arab Tribes

Numerous texts, but in particular see:
1–4 above

5. ʿAbadan 1, which records Himyar's campaigns against Murad, Iyad, Maʿadd, and ʿAbd al-Qays to the northeast of Mecca "between the land of Nizar and the land of Ghassan" in the Himyarite year 470 (= 360 C.E.).[11]

Arabic Inscriptions

4 above

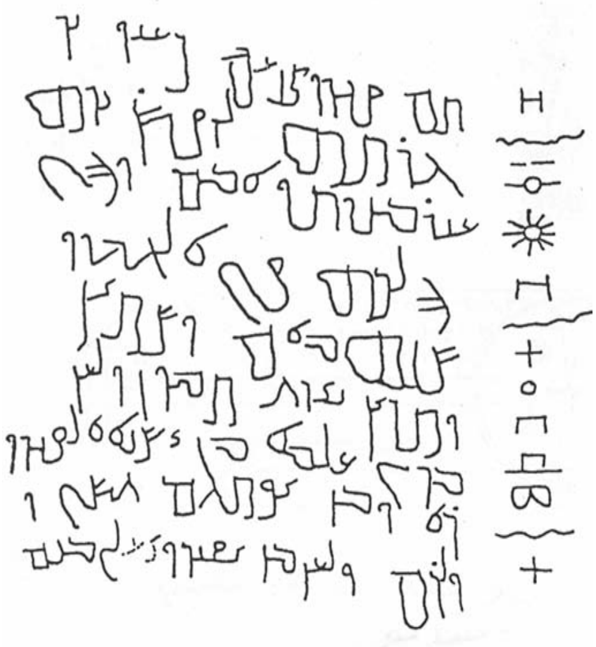
6. Hegra, northwest Arabia: funerary text, with many Aramaicisms, dated 267 C.E. (Plate 15).[12]

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[7] Littmann 1914–49: 4A.41.
[8] Humbach & Skjaervo 1983: 92.
[9] Müller 1974.
[10] See, most recently, Retsö 2003: 467–76, citing earlier literature.
[11] Robin & Gajda 1994.
[12] Healey & Smith 1989.



Plate 14 Umm al-Jimal. Jordan.
Littmann 1914–49: 4A.41.



1. tn gbrw ṣn‘-h K‘bw br
2. Ḥrtt l-Rqwsh brt
3. ‘bdmnwtw ’m-h w-hy
4. hlkt fy ’l-Ḥgrw
5. shnt m’h w-shtyn
6. w-tryn b-yrḥ Tmwz w-l‘n
7. mry ‘lmw mn yshn’ ’l-qbr
8. d’w-mn yftḥ-h ḥshy w
9. wld-h w-l‘n mn yqbr w[y‘]ly mn-h

Plate 15 Hegra Inscription Northwest Arabia, July 267 A.D.

What Changed?

Völkerwanderung?

The appearance of names of Arab tribes in the epigraphic record does represent a definite change in that the tens of thousands of graffiti in Ancient North Arabian (ANA) dialects (Safaitic, Hismaic, 'Thamudic,' etc.), mostly dating to the Roman period, contain no such names.[13] The explanation of later Muslim historians is that, because of some natural disaster, Arab tribes migrated from southern Arabia to other parts of Arabia and to Syria and Iraq. There are some indications that this may be true. In the first place, the south Arabian kingdom of Saba certainly did suffer some diminution in the first century B.C.—first century C.E., for it lost its sovereign authority and became subject to Himyar. South Arabian inscriptions offer no explanation for this, but behind it may lie some disaster, such as a breakdown of the region's crucial irrigation system, that also impelled neighbouring Arab tribes to leave. In the second place, Arab tribal names begin to crop up in places where they had not previously been attested. For example, Muslim historians relate that "a number of Arab tribes (who had left Yemen) gathered in Bahrain; they became allies known as Tanukh... and pledged themselves to assist and support one another; under the joint name of Tanukh." And in his *Geography*, written *ca.* 150 C.E., Ptolemy does place Tanukh in the region of Bahrain, whereas Pliny's *Natural History*, completed in 77 C.E., does not know of them there.[14] And in the third place, a host of new tribal names appear in the south Arabian inscriptions of about the second century C.E., such as Madhhij, Murad, Kinda and Sufl. That these are Arab tribes (and not Sabaean, Himyarite, etc.) is clear from a number of terms applied to them which are previously unattested in Sabaic and are evidently taken from Arabic, such as tribe (*ʿashīra*), clan or lineage (*āl*), and nomads (*aʿrāb*), which becomes common from the second century C.E. (with one possible earlier attestation). Moreover, the Arabic definite article *al* is used in certain personal and tribal names; thus we read of a king named *al*-Harith ibn Kaʿb, and of "the land of

[13] The only exception is Tayyi', which appears as a self-designation in Campetti & von Löwenstern 1983: 16, and as a designation of others in: *CIS* 5.2795; Littmann 1943: 236; and Clark 1979: 1004. It features in Syriac literary sources, as Tayyaye, from the third century C.E. onwards.

[14] Abarī (d. 310/923), *Taʾrīkh*: 1, 746; Ptolemy, *Geography*: 6.7 (*Thanuitae*).

al-Asd" (*ʾrd l-ʾsd*) 'and a "king of al-Asd" (*mlk l-ʾsd*).[15] However, the idea of folk migrations is not very popular these days,[16] and they are perhaps more likely to have been relatively small movements over a long period of time rather than mass migrations within a single generation. And, in particular, they may have been part of regular and continual movements in search of new pastures and so on, rather than indicative of some new large-scale phenomenon.

Bedouinisation?

A number of Middle Eastern specialists of different disciplines have noticed the increased participation by Arab tribes in imperial affairs in the third century and have attributed it to an increase in the numbers and/or strength of Bedouin, Arab nomads, who were therefore able to be more assertive in Middle Eastern affairs, in particular to raid more effectively. Caskel regarded imperial annexation and disbandment of client states as instrumental in this change: "As a result of the dropping-out and collapse of the border states, the caravan roads and, with them, the settlements in the interior began to be deserted . . . the majority took to the nomad life."[17] Caskel bases himself here on two inscriptions, both of which are of uncertain reading, and otherwise on a generally Gibbonesque feeling that things were going downhill by the third century. However, his article does bring us to a valid point, namely that the demise of client states must have created a power vacuum in the Syrian steppe, which obliged the empires of Rome and Iran around it to deal directly with its inhabitants. This is the most likely explanation for why the terms Saracens and Tayyaye replaced the generic terms 'Arabs' and 'tent-dwellers', i.e. the empires now had first-hand experience, and began to use the names, of the steppe peoples closest to them, many of whom may have come in from further away to fill the power vacuum.

Some proponents of Caskel's 'bedouinisation' theory have argued that these Bedouin enjoyed greater power not just because of greater numbers, but also because of the introduction of an improved type of saddle. This, they allege, gave camel-riders greater mobility and led to

[15] Doe & Jamme 1968: 15–16 (Ja 2110) (al-Harith ibn Kaʿb); Jamme 1962: no. 635, and Sharafaddin 1967: no. 31 (al-Asd).

[16] Curta 2001; Macdonald 2003; Graf 2003.

[17] Caskel 1953: 40–1.

the emergence of full Bedouin who were able to redress the balance in their favour in confrontations with settled peoples:

> . . . the general population of predominantly camel-herding Arab Bedouins and Bedouin tribal groups . . . had come to adopt the *shadad*-saddle and also, by the third century to utilize it effectively as a means of developing and exploiting within a desert environment the superior military advantages offered by horses and horse cavalry . . . and to pose an increasingly serious threat to settled communities on the Roman and Persian frontiers, as well as to the Himyarite kingdom.[18]

However, this view has been modified of late in the light of Macdonald's comments that "the camel does not make a satisfactory fighting mount since, unlike the horse, it is not easy to manoeuvre in a confined space, and its height, far from giving its rider an advantage, makes it vulnerable to the swords and spears of footsoldiers."[19] Moreover, the date of the introduction of the saddle is uncertain, and what evidence there is would seem to point rather to a much earlier period, perhaps the first century C.E.[20]

Imperial Expansion and Strife?

The advocates of advances in camel-saddle technology all accept a picture painted much earlier of the Arabs, and of pastoralist peoples in general, as a threat to empire. However, it has been shown that proponents of the aggressive Bedouin theory rely on very slender evidence.[21] And one should be suspicious when big powers complain about the aggressiveness of small stateless actors, for it is usually the big powers who are doing the aggressing or at least provoking the aggression. If we look at matters from this perspective, then we can see that the empires of Iran and, especially, Rome pushed further into the steppe regions in this period, abolishing client states and extending the limits of agriculture. Their rivalry gave rise to a sort of cold war between them, and both sides strove to win peripheral peoples over to their side. Various Arab groups inevitably became caught up in these power struggles, and one

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[18] Zwettler 2000: 285, 288. The source of all these ideas is Dostal 1959, made widespread by the influential book of Bulliet 1975.

[19] Macdonald 1995: 1363.

[20] Shaw 1979.

[21] See, for example, the various articles of Mayerson, esp. Mayerson 1989; and Hoyland 2001: 96–102.

might argue that it was in the course of this process of engagement with the great powers of the day that the Arab peoples slowly came to forge their own polities and identities.

In order to manage the tribes on their borders, the empires would appoint chiefs, winning them over with titles and stipends, which gave these chiefs enough prestige to win over others to their leadership. The empires would expect these chiefs to keep their own tribe peaceful and other tribes around them, and would expect them to provide military support when called upon. Thus, "it was desired that the Himyarites should establish Qays, the fugitive, as chief over Ma'add, and with a great army of their own people and of the Ma'add Saracens make an invasion into the land of the Persians," and in order to counter the success of the Arab tribes allied to the Iranians, "the emperor Justinian (r. 527–65) put in command of as many clans as possible Harith the son of Jabala, who ruled over the Saracens of Arabia, and bestowed upon him the dignity of king (*basileus*), a thing which among the Romans had never been done before."[22] As regards the expression "put in command of," Justinian obviously did not have the authority to do this himself; presumably what is meant is that he told Harith to try and win the support of other tribes and probably gave him money as well as the new title to help him achieve this.

This involvement in great power politics inevitably had an effect upon those tribes most caught up in it. In most cases, however, this is difficult to gauge, and it is common for western scholars to dismiss Arab tribes as irrelevant to the powers of the day.[23] Yet in the chronicle of Joshua the Stylite, a contemporary of the events he narrated, the Lakhmids apparently play an important role in Sasanian military affairs. For example, in October 502, Nuʿman participated in the siege of Amida with the Iranian emperor Kawad, and he was sent by the latter to plunder the surrounding area, taking captives from the Harran and Edessa region. In August 503, Nuʿman fought alongside Iranian troops and defeated the Byzantines at Opadana, and he urged Kawad to proceed against Edessa, which Kawad did. In the same month, the Lakhmids attacked Saruj and reached the Euphrates, plundering and taking captives. And in September 503, the Lakhmids joined in the siege of Edessa in the

[22] Procopius, *Wars*, 1.17.

[23] E.g. "The lack of detailed information in Greek historians about Arab affairs in the sixth and seventh centuries accurately reflects their lack of importance in contemporary wars and diplomacy" (Whitby 1992: 80; cited approvingly in Whittow 1999).

capacity of spearmen.[24] A chronicle written in the 660s goes so far as to say that Hira "was the seat of king Mundhir, surnamed the 'warrior'," and that "he is sixth in the line of the Ishmaelite kings," implying the existence of an established and legitimate dynasty.[25]

For the Ghassanids we can go further, since we have a number of inscriptions that concern them. Their participation in the military and ecclesiastical affairs of the Romans has been meticulously documented by Shahid,[26] so there is no need to repeat it here. What is worth re-emphasizing is their mention in the epigraphic record, for this shows very clearly how closely they had come to associate themselves—and to some extent to be associated by others—with the Roman empire:

1. "In the name of our Father Jesus Christ, saviour of the world, who takes away the sins of the world, in the time of . . . the archimandrite and of the deacon Anastasius and of the phylarchate of the most illustrious Harith (*Arethas*) . . . To Flavius Harith, *patrikios*, long years, life, great, welcome . . . year 870" (569 C.E.): Qasr al-Hayr al-Gharbi, between Damascus and Palmyra, on the lintel of a former monastery (*IGLS* 2553bd).
2. "Huwayrith son of al-Harith": Nitl, near Madaba in Jordan, on a mosaic in a funerary church, sixth century.[27]
3. "Flavius Seos, son of Olbanos, *epitropos*, and his son Olbanos at their own expense constructed the entire court from the foundations to the top in the time of Mundhir (*epi tou Alamoundarou*), *paneuphêmos* and *patrikios* in the year 473 of the eparchy" (of Bostra, so 578 C.E.): Hayyat, between Damascus and Bostra, in a house (*IGLS* 2110).
4. "Flavius Mundhir, *paneuphêmos*, *patrikios* and *phylarchos*, erected this tower in gratitude to the Lord God and St. Julian for the safety of himself and his most illustrious offspring": Dumayr, northeast of Damascus, on a tower (*IGLS* 2562c).
5. "The Fortune of Mundhir is victorious": Rusafa, on an extramural building (*SEG* 7.188). Note that Yaqut (*s.v.* "Rusafa") says that Nu'man son of Mundhir repaired the cisterns of Rusafa and built the biggest one there.

[24] Joshua the Stylite, *Chronicle*, chapters 51–52, 57–58, 60, 62.
[25] Guidi 1903: 39.
[26] Shahid 1984–95: vol. 3.
[27] Shahid 2001a makes the case for this person being a Ghassanid.

6. "Nuʿman (*Naaman*), the most illustrious *stratêlatês* and *phylarchos*": Maʿarrat al-Nuʿman, on a bronze plaque (*IGLS* 4.1550).
7. "Jabala *patrikios*": on a Byzantine seal.[28]

There are a number of important things to note about these inscriptions. Firstly, they are all in Greek. We know that amongst themselves they did use Arabic; for example, the despatch of a guard unit by "Harith the king" is recorded in an Arabic inscription from Jabal Says, some 70 miles southeast of Damascus (fig. 2).[29] Yet, for their image as imperial allies, it was important to use Greek in public. Secondly, the titles accorded to the Ghassanid chiefs, in particular *patrikios*, allied them to the Byzantine empire and the person of the emperor in a most intimate way.[30] Thirdly, the dating of some of these texts is interesting. In the third text, for example, instead of referring to the reign of the Byzantine emperor or the provincial governor, Flavius Seos and his son refer to the reign of Mundhir.[31] It does suggest considerable authority for the phylarch; the seal issued by "Jabala" would seem to corroborate this point, the name marking him out as a Ghassanid, possibly Jabala ibn Ayham, the last Ghassanid chief allied to Byzantium. Fourthly, in the first text, Harith is connected with the Christian church, and in general Ghassanid leaders posed as defenders and patrons of the west Syrian church, which should remind us that it was via Christianity that these tribes were romanized.[32] Fifthly, most of the texts were found in the vicinity of Damascus, and there are a number of other indications that this constituted a power base for them. There is, for example, a mid-sixth century Syriac manuscript (BM syr. 14602) containing the signatures of the priests and abbots of the eparchy of Arabia (*ʾrbyʾ*). This is very interesting in that the churches and monasteries to which these clergymen are attached are found not only in the Byzantine administrative province of Arabia with its capital at Bostra, but also portions of Phoenicia Libanensis, especially Damascene. In the words of Nöldeke:

[28] Shahid 2001b.
[29] Most recently, see Robin & Gorea 2002.
[30] However, the title of *patrikios* might have been downgraded somewhat in late Roman times; Jarry 1970: 17 notes that in early seventh-century Egypt even minor functionaries bore (or at least claimed for themselves) this title.
[31] Similarly, an event in John Moschus' *Pratum Spirituale* (ch. 155) is dated to "when Nuʿman (*Names*), the phylarch of the Saracens, was making raids," and ms. BM syr. 585 of the monastery of Natpha near Tadmur (Palmyra) is dated to when Abu Karib, a Ghassanid, was king (Wright 1871: 2.468).
[32] Shahid 1984–95: 3.691–995; Trimingham 1979.



[dk/b-nṣ]r 'l-'lh srgw br 'mt-mnfw w-hny' br mr 'l-qys w-srgw br s'dw w-strw w-srgw

Plate 16 Zebed Graffito Northern Syria, 512 A.D. or later

"Dies lässt sich nur so erklären, dass diese monophysitische Kirchenprovinz 'Arabia' so weit gerechnet wurde, wie die Macht der Ghassânischen Phylarchen ging."[33] That is, ecclesiastical 'Arabia' was pretty much coterminous with the Ghassanid sphere of authority. Furthermore, we have numerous Muslim Arab accounts reporting that as well as their camp at al-Jabiya to the southwest of Damascus, Ghassan had residences in Damascus itself.[34] All this suggests that Ghassan had, if not a permanent city like the Nabataeans and Palmyrenes, at least a power base, and we can also see from the above inscriptions that they engaged in a certain amount of building activity, so at the very least we should avoid characterising them exclusively as nomads, and more likely we should include them among the "inner core of client kingdoms" that formed the essence of late Roman management of their provinces and border regions.[35]

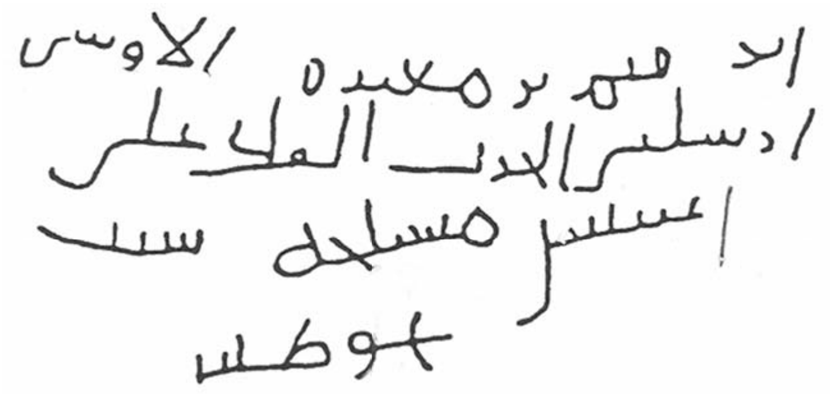
Arab Polities?

But to what extent, if at all, should we label Ghassan and other such client kingdoms as Arab, and what should we understand by such a label in this period? The epigraphic record is again important, and though it does not point unequivocally to an Arab identity, it points to the ingredients of such—common language, literature and history—that suggest at least the makings of such an identity.

Arabic Language and Script

From the sixth century C.E. we have a small clutch of Arabic texts, such as those from Zebed, Jabal Says, and Ḥarran, all in Syria and dated 512, 529, and 569 respectively.[36] That from Zebed is a short Arabic addition to a Greek-Syriac bilingual text commemorating the founding of a martyrium for Saint Sergius (plate 16); the one from Jabal Says, mentioned

[33] Nöldeke 1875: 420. See also Shahid 1984–95: 3.821–38.
[34] E.g. Ibn Rusta, *al-Aʿlāq al-nafīsa*: 7.326.
[35] See Heather 2000: 32; cf. Heather 1997: 74: "It is quite clear that by the sixth century at the latest *foederati* had taken on a quite different significance, designating new groups held in a more equal and favourable relationship with the Roman state."
[36] Grohmann 1971: 14–17; Gruendler 1993: 13–14. For the Zebed text, see also Cumont 1913: 172–75 (no. 145), and for the Jabal Says text, see n. 29 above.



1. ’nh Qym bn Mġrh ’l-’wsy
2. ’rsl-ny ’l-Ḥrth ’l-mlk ‘ly
3. ’sys mslḥh snt
4. 4 × 100 20 1 +1 + 1

Figure 2 Jabal Usays Graffito Southeast Syria, 528 A.D.

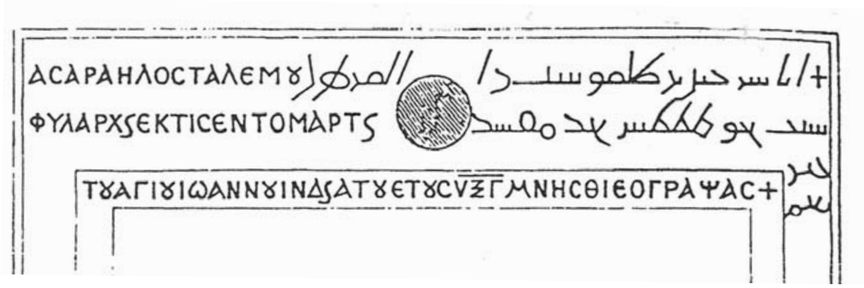
above, is by a certain Qayyim ibn Mughira sent to guard this important watering hole and waystation on the Bostra-Palmyra road on behalf of the chief of Ghassan (fig. 2); and the Ḥarran text is a bilingual Greek-Arabic inscription, recording the building of a martyrium for a certain Saint John by one Sharahil son of Talemu, evidently an important man in the local Christian community (fig. 3). And there is a fourth text from the grave of Saola in a church in Nebo, which bears his name carved in Greek letters and opposite this the “rest in peace” formula apparently written in Arabic: *bi ’l-salām* plate 17).[37] The wide geographical spread of these inscriptions suggests that Arabic was spoken throughout this region, and this impression seems confirmed by the Greek papyri recently discovered in a church in Petra, which use many Arabic terms,[38] and by two lengthy invocatory inscriptions from the Madaba region in Jordan written in Thamudic script but Arabic language or something very close to it.[39]

Before Islam, it would seem that Arabic remained primarily a vernacular, employed by non-literate peoples and by those who, for whatever

[37] Knauf 1984, though this text needs further study to confirm that it definitely is Arabic.

[38] Daniel 2001.

[39] Graf & Zwettler 2004. See further Robin 1991: 113–25; Robin 2001: 545–56; Macdonald 2000: 36–7, 48–54.



’nh’ Shrḥyl bn Ṭlmw bnyt d’ ’l-mrṭwl snt 4 × 100 20 20 20 1 1 1 b ‘d mqds Ḥnyn n‘m (?)

Figure 3 Ḥarran Inscription Southern Syria, 528 A.D.

reason, preferred to write in other languages. Pre-Islamic texts written wholly in Arabic are so rare that commissioning them must have been a conscious and deliberate choice. Presumably the commissioner’s intention was to make a statement about his ethnic and/or cultural affiliation, about his Arab identity. The customary practice for newcomers in this part of the world was to write at least their official texts in the local language of prestige, whether Greek or Aramaic. The decision of the authors of the above Arabic texts to write in their own native language was therefore against the prevailing tradition. It suggests that they had a sense of the worth of their own language and a strong attachment to it and that it was intimately bound up with their identity and self-perception. And the Nemara inscription, the proud assertion of an Arab king, and the Jabal Says text, the loyal statement of an Arab soldier, give credence to the idea that it was the Arab tribes allied to Rome who were instrumental in making this practice more common.[40]

Furthermore, it should be emphasized that these texts are written in what can clearly be described as the Arabic script. Imru’ al-Qays’ Arabic epitaph had been drafted in Nabataean script, and this is also the case for two lines of Arabic within a Nabataean Aramaic text from En Avdat in southern Palestine (fig. 4).[41] It is likely that this was the

[40] It may also be connected with the spread of Christianity throughout the region which stimulated the growth of local scripts (e.g. Armenian, Georgian, Palestinian Aramaic and Coptic) for the purposes of writing Christian texts in vernacular languages. For discussion of this, see Hoyland forthcoming.

[41] See most recently Kropp 1997–8 (citing earlier literature). Note that its discoverer, Avraham Negev, dated the text to the late 1st/early 2nd century C.E. just because there were no known Nabataean inscriptions later than that date in this region, but the situation has since changed (e.g. a Nabataean inscription on plaster was found in a late

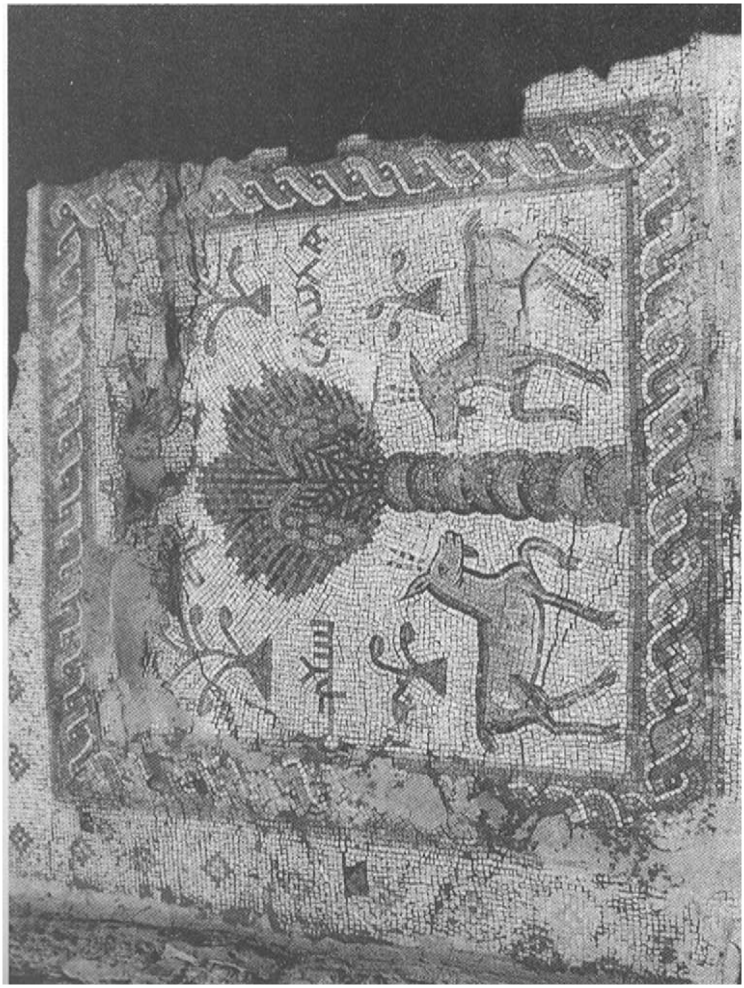


Plate 17 Saola Inscription Mt. Nebo, Mid-6th Century A.D.

usual practice for those who wished to compose in Arabic in that time and place. Constant writing of Arabic in the Nabataean script led to changes, as scribes introduced modifications to make their task easier and to eradicate ambiguities, and this gradually gave rise to a distinctive script, i.e. the Arabic script.[42] Though we now have very little evidence for this development,[43] it would seem evident that only frequent repetition of such a practice (i.e. writing Arabic texts in Nabataean Aramaic script) would explain the evolution of the Arabic script, and this tells us that there must have been many such inscriptions, and very possibly documents as well (i.e. a chancelry tradition, instigated by the Arab clients of Rome?).

Arabic Poetry

A graffito from the region of Mecca (plate 18), dated 98 A.H. (717 C.E.), quotes two lines of pre-Islamic Arabic wisdom poetry usually attributed to a sixth-century bishop of Najran (in southwest Arabia), Quss ibn Sa'ida al-Iyadi (though also to other pre-Islamic figures).[44] This lends some small weight to the argument that at least some of the huge corpus of pre-Islamic Arabic poetry that has come down to us (transmitted orally until the eighth century) does genuinely derive from the pre-Islamic period. The craft of Arabic poetry is old—a victory of the Saracen queen Mawia in the 370s was "celebrated in songs (*ôdai*) by the Saracens"—but it perhaps gained greater impetus from the Arab client kings of Rome and Iran, who allegedly sponsored poetry with gusto, many having their own panegyricist. There are many accounts that relate, in a somewhat legendary character, how such kings spent their subsidies in imitating their imperial overlords, establishing luxurious courts and offering patronage to artists, a practice with a long history among imperial vassal states.

3rd/early 4th century context in excavations by Tali Gini—shown to me by Tali and soon to be published by J. Naveh), and so there is no obstacle to positing a later date for the En Avdat text.

[42] It is possible that the use of diacritical marks in Arabic script, which already feature in Arabic papyri as early as 22 A.H./643 C.E. (Jones 1998) could have occurred before Islam, but it may also have been an innovation of the early Islamic state. Note that a dot is used to distinguish the letters *dal* and *dhal* in a few late Nabataean graffiti.

[43] On what one can say, see Gruendler 1993: 12–15.

[44] al-Rāshid 1995: no. 17 (with discussion).

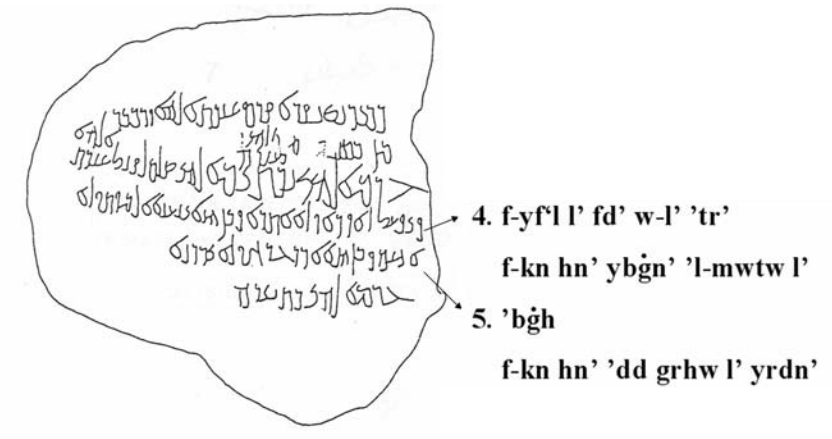


Figure 4 En Avdat Inscription Negev Desert, Approx. 2–3 Century A.D.

This new poetry would have been extremely important in nurturing a sense of Arab identity. Firstly, it promoted and inculcated an ideal of Arabian virtue (*muruwwa*), for generosity to the needy, courage in battle, fidelity to covenant and loyalty to kin are championed and advocated in almost every poem. Though based on tribal groups and insisting that only ties of blood were sacred, this ideal nevertheless became an invisible bond between diverse clans and laid the foundations, whether consciously or not, for a wider moral community. Secondly, the distinctive Arabic diction in which this poetry was drafted transcended dialects and united those who understood it in a broad linguistic community. Lastly, it served as a tool of collective memory, for "every nation relies on one means or another to preserve and protect its glorious deeds, and the Arabs strove to immortalize theirs by means of poetry, which constituted their public archive."[45] And indeed innumerable mighty battles and great events of Arab tribal history are recorded in the surviving corpus of pre-Islamic Arabic poetry, and in the frequent re-telling it became the history of everyone who heard it, creating a historical community.

[45] Jāḥiẓ (d. 255/869), *Ḥayawān*: 1.72.



Plate 18 Mecca poetry graffito

Arab History

Most Muslim universal chronicles have a section on pre-Islamic Arab history, and this generally includes a section on the kings of the Arabs. The first of these are said to be the kings of Hira, and the list of them usually begins with: Jadhima, ʿAmr ibn ʿAdi, and Imru' al-Qays ibn ʿAmr, apparently the same as those who appear in the third and fourth-century inscriptions mentioned above as kings of Arab groups, though there are many wonderful folkloric elements attached to their biographies in the Muslim Arab accounts.[46] Similarly, the section in such chronicles on the first tribes of the Arabs usually begins with an account of the tribes that migrated from southern Arabia, and again, as mentioned above, the names of these appear to fit with those mentioned in the third and fourth century epigraphic record. The movements of these groups are connected with their entry into relations with the two great empires; for example:

> The southern tribes were compelled to leave their homes and dispersed in the land. Qudaʿa...were the first to settle in al-Sham. They allied themselves with the emperors of the Romans, who made them kings, after they had become Christians, over the Arabs who had gathered in al-Sham.[47]

All this would seem to suggest that the emergence of a self-consciously Arab identity was intimately bound up with the emergence of these client kings (perhaps cultivated by them in opposition to imperial identities?).

Conclusion

It is as yet very difficult to trace the origins of Arab identity. One imagines that for long the term Arab was only of vague and loose significance, like Aramaean, based on a common language group and shared gods/cultic practices that only weakly bound people together. However, in the third-fourth century, changes were definitely afoot among the peoples of Arabia and the Syrian steppe, as the epigraphic record clearly indicates:

[46] See Shahid 1984–95: 1.349–66 (on Hisham al-Kalbi's writings about the pre-Islamic kings); Athamina 1998; Retsö 2003: 473–85.

[47] Masʿūdī (d. 345/946), *Murūj al-dhahab*, 3.214–15.

the emergence of larger and more coherent tribal groupings, of tribal chiefs with greater access to power and resources, of a dominant dialect (within the Ancient North Arabian language group) that gained its own script, of a common literature and history, and the onset of greater interaction with the Roman world. It is the latter that seems to me to be of the greatest import. And indeed it seems to be agreed that the third-fourth century marks both an end and a new beginning in the history of the Roman Empire's dealings with all the peoples on its borders. Wolfram notes the difference between the various "barbarian chieftains and their bands" who had entered the empire in earlier times in a subordinate position and the "new peoples" (especially Goths, Franks, and Alamanni) who entered in the third-fourth century as conquerors.[48] In what sounds like a parallel development, Millar suggests, regarding the eastern end of the empire, that there was a change from local exchanges between Greco-Roman officials and nomads in frontier areas *ca.* first to third centuries C.E. to "the formal alliances of the late Empire with major Saracen tribal groupings."[49] So one might say of the Arabs, to paraphrase Patrick Geary's words, that 'their genesis as a people and gradual transformation into the conquerors of much of the Middle East were from the start part of the Roman experience.'[50]

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[48] Wolfram 1990: 38–44; Heather & Matthews 1991: 1–2: "such recruitment (of Goths in the Roman army in the third century) is probably a sign that the movement of Goths and other peoples south and east from central Europe into the northern hinterland of the Roman empire was already under way by the beginning of the third century. These movements eventually precipitated conflicts not only between Goths and Romans, but also between Goths and other tribal peoples".

[49] Millar 1993: 430.

[50] Geary 1988: vii–viii.

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